Vera Effigies Reverendi in Christo
Patris Dñi:
ROBERTI SANDSERSON
EPISCOPI LINCOLNIENSIS.

Wallar fec 1673.

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EPISCOPACY

(As established by Law in *England*)

NOT PREJUDICIAL

TO

REGAL POWER

Written in the time of the

Long Parliament,

By the special Command of the late

KING.

By the Right Reverend Father in God

ROBERT SANDERSON

late Lord Bishop of LINCOLN.

LONDON,

Printed for *Robert Pawlett* at the *Bible* in *Chancery Lane* near *Fleet-street*.

MDCLXXIII.

EPISCOPACY

REGAL POWER

KING.

TO THE

Most High & Mighty KING CHARLES the II^d.

By the Grace of God, King of Great *Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.*

Most Gracious and Dread Soveraign,

THat I *take the boldness humbly to present this* short Discourse *to Your Majesties Sacred* Hand *and* piercing Eye; *it is upon this* one *and* only *account, that how mean soever the* performance *be, the* undertaking *was in obedience to the* command *of a most Gracious* Master, *your Majesties* Royal Father *of Blessed Memory. The occasion this. When the*

Army *had gotten the* King *into their own* cuſtody *out of the hands of thoſe that had long holden him in* durance at Holdenby : *to put a* blind *upon the world, they* made a ſhew *of much good towards him, which (as ſoon after appeared (they never* meant *him. Amongſt other the* pompous civilties, *wherewith (the better to cloak their* hypocriſie) *they entertained him; it was their pleaſure to* vouchſafe *him the attendance of ſome of his* own Chaplains : *which, though it could* merit *little (for ſuch a kindneſs could not* with Juſtice *have been denyed to a far* meaner perſon;) *was yet a* boon *his former Goalers thought* too big *for him. In that* Summer Progreſs (*ſuch as it was*) Four *of his own naming, with the* Clerk of his Cloſet, *were ſuffered to* wait upon him. *In which time of* waiting, (*which was in* Auguſt

MD

MDCXLVII.) *His Majesty, being then at* Hamtopn-Court, *one day called me to him, and told me he had a* little work *for me to do. Some* about him, *it seems, had been often discoursing with him about* EPISCOPACY, *as it was* claimed *and* exercised *by* the Bishops *within this Realm. Which (whether out of their* good will *to him, or their* no good will *to the Church, I am not able to say,) they had endeavoured to represent unto him, as not a little derogatory to the* REGAL AUTHORITY, *as well in the point of* Supremacy, *as of* Prerogative : *in the one, by* claiming the Function *as of* Divine Right; *in the other, by* Exercising the Jurisdiction *in their own names. His Majesty said farther, that he did not believe the* Church-Government by Bishops *as it was by* Law *established in this Realm*

Realm, to be in either of the aforeſaid reſpects, or any other way prejudicial to his Crown; *and that he was in his own judgement* fully ſatisfyed *concerning the ſame: yet ſignifyed his pleaſure withal, that for the* ſatisfaction of others *I ſhould take theſe two* Objections *into conſideration, and give him an* Anſwer *thereunto in writing. In* Obedience *to which His Majeſties* Royal pleaſure, *after my return home, I forthwith (according to my* bounden duty) *addreſſed my ſelf to the* Work; *and was drawing up an* Anſwer *to both the* Objections, *as well as I was able; with a purpoſe to* preſent *the ſame (as ſoon as it ſhould be finiſhed) to His* Majeſty *in writing, upon the firſt offered opportunity. But behold, before I could bring the buſineſs* ad umbilicum, *and quite* finiſh *what was under my hand, the* Scene of Affairs *was*

ſtrangely

ſtrangely changed. The King trepann'd into the Iſle of Wight; *the Maſk of* Hypocriſie, *by long wearing, now grown ſo* thin *and* uſeleſs, *that it was fit for nothing but to be* thrown by; *no kind of* Impiety *and* Villany, *but durſt appear* bare-faced *and in the open Sun; high* inſolencies *to the contempt of* Authority *every where committed;* Majeſty *it ſelf trampled upon by the* vileſt *of the People; and the* Hearts *of all Loyal honeſt men ſadly oppreſſed with* griefs *and* fears. *Yet had the Men who* ſteered *the* Publick *as they liſted, (that they might give themſelves the more* recreation, *amuſe the* world *anew, and grace the* black Tragedy *they were acting with the more* variety,) *a mind to play* one game *more the next year;* (viz.) *the* Treaty *at the aforeſaid* Iſle of Wight. *Where as ſoon as I underſtood, that by His Maje-*

Majesties nomination, *I was to give my* attendance; *I looked out the* old papers *which I had laid aside a good while before*; made up *what was then left* unfinished, *and took the Copie with me to the* Isle; *thinking that when the* Treaty *should be ended (for whilst it lasted, his Majesty was taken up with other* thoughts *and* debates *of higher concern) I might possibly have the opportunity to give his Majesty an* account *thereof. What became of that* Treaty, *and what after ensued, is so well known to the world, that there is no* need, *and withal so* sad, *that it can be no* pleasure to remember. *But thenceforward were those Papers* laid aside *once again, and destined to* perpetual silence, *had not a* Debate *lately started, concerning one of the* principal points *therein handled, occasioned some persons of eminent place and esteem*

esteem in the Church (and one of them conscious *to the aforesaid* command *laid upon me by the* late King, *(to desire a sight of those Papers. Which being by their encouragement now made Publick (though having little other to commend them, either to the* World, *but* Truth *and Plainness, or to your* Majesty, *but that they had their first rise from his* command *whose* Throne *and* Vertues *you inherit;) I humbly beseech your* Majesty *graciously to accept; together with the Prayers of*

LONDON,
August 30.
MDCXLI.

Your Majesties most
Loyal Subject and
Devoted Servant,

ROBERT LINCOLN.

By

By the KING.

A PROCLAMATION, Declaring that the proceedings of his Majesties Ecclesiastical Courts and Ministers are according to the Laws of the Realm.

WHereas in some of the Libellous books and Pamphlets lately published, The most Reverend Fathers in God, the Lords Arch-Bishops, and Bishops of this Realm, are said to have usurped upon his Majesties Prerogative Royal, and to have proceeded in the high Commission and other Ecclesiastical Courts, contrary to the Laws and Statutes of this Realm; It was ordered by his Majesties high Court of Star-Chamber, the Twelfth day of June last, that the opinion of the two Lords chief Justices, the Lord chief Baron, and the rest of the Judges and Barons should be had and certified in those particulars, viz. Whether Proceses may not issue out of the Ecclesiastical Courts in the Name of the Bishops. Whether a Patent under the great Seal be necessary for the keeping of the Ecclesiastical Courts, and enabling Citations, and Suspensions, Excommunications, and other Censures of the Church. And whether Citations ought to be in the Kings name, and under his Seal of Arms, and the like for Institutions and Induptions to Benefices, and Correction of Ecclesiastical offences. Whether Bishops, Arch-Deacons, and other Ecclesiastical persons may or ought

ought to kæp any visitation at any time, unless they have express Commission or Patent under the great Seal of England to do it, and that as his Majesties Visitors only, and in his Name and Right alone.

Whereupon, his Majesties said Judges having taken the same into their serious consideration, did unanimously concur and agree in opinion, and the first day of July last certified under their hands as followeth, That Processes may issue out of the Ecclesiastical Courts in the name of the Bishops; and that a Patent under the great Seal is not necessary for the kæping of the said Ecclesiastical Courts, or for enabling of Citations, Suspensions, Excommunications and other Censures of the Church; and that it is not necessary that Summons, Citations, or other Processes Ecclesiastical in the said Courts, or Institutions, or Inductions to Benefices, or correction of Ecclesiastical offences by Censure in those Courts, be in the Kings name, or with the style of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms; And that the Statute of Primo Edvardo Sexto, cap. secundo, which enacted the contrary, is not now in force: And that the Bishops, Arch-Deacons, and other Ecclesiastical persons, may kæp their Visitations as usually they have done without Commission under the great Seal of England so to do: which opinions and resolutions being declared under the hands of all his Majesties said Judges, and so certified into his Court of Star-Chamber, were there recorded; and it was by that Court further ordered the

four-

fourth day of the said month of July, that the said certificate should be inrolled in all other his Majesties Courts at Westminster, and in the High Commission, and other Ecclesiastical Courts, for the satisfaction of all men, That the proceedings in the High Commission and other Ecclesiastical Courts are agreeable to the Laws and Statutes of the Realm.

And his Royal Majesty hath thought fit, with advice of his Councel, that a publick Declaration of these the opinions and resolutions of his Reverend and Learned Judges, being agreeable to the Judgement and Resolutions of former times, should be made known to all his Subjects, as well to vindicate the legal proceedings of His Ecclesiastical Courts and Ministers, from the unjust and scandalous imputation of invading or entrenching on his Royal Prerogative, as to settle the minds, and stop the mouths of all unquiet Spirits, that for the future they presume not to censure his Ecclesiastical Courts or Ministers in these their Just and Warranted proceedings: And hereof his Majesty admonisheth all his Subjects to take warning as they shall answer the contrary at their perils.

Given at the Court at *Lyndhurst* the 18*th.* day of *August*, in the 13*th.* year of His Majesties Reign.

God save the King.

Imprinted at *London* by *Robert Barker*, Printer to the Kings most Excellent Majesty, and by the Assignes of *John Bill*, 1637.

Primo Julii 1637.

The Judges Certificate concerning Eccleſiaſtical Juriſdiction.

May it pleaſe your Lordſhips,

ACcording to your Lorpſhips Order made in his Majeſties Court of Star-Chamber the Twelfth of *May* laſt, we have taken conſideration of the particulars, wherein our Opinions are required by the ſaid Order, and we have all agreed.

That Proceſſes may iſſue out of the Eccleſiaſtical Courts in the name of Biſhops, and that a Patent under the great Seal is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for the enabling of Citations, Suſpenſions, Excommunications or other Cenſures of the Church. And that it is not neceſſary that Summons, Citations, or other Proceſſes Eccleſieſtical in the ſaid Courts, or Inſtitutions, or Inductions to Benefices, or Correction of Eccleſiaſtical offences

offences by cenſure in thoſe Courts, be in the Kings name, or with the Style of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms. And that the Statute of *Primo Edwardi Sexti Cap.* 2. which enacted the contrary, is not now in force.

We are alſo of opinion, That the Biſhops, Arch-Deacons, and other Eccleſiaſtical perſons may keep their Viſitations as uſually they have done without Commiſſion under great Seal of *England* ſo to do.

Fo. Bramſtone.	*George Croke.*
Fo. Finch.	*Tho. Trevor.*
Humfrey Davenport.	*George Vernon.*
Will. Jones.	*Ra. Berkley.*
Fo. Dinham.	*Fr. Crawley.*
Richard Hutton.	*Ric. Weſton.*

Inrolled in the Courts of Exchequer Kings-Bench, Common Pleas, and Regiſtred in the Courts of High Commiſſion and Star-Chamber.

EPIS-

EPISCOPACY
Not Prejudicial to
REGAL POWER.

SECT. I.

The two great Objections proposed

I.

HE that shall take the pains to inform himself rightely what power the Kings of *England*, have from time to time claimed and exercised in *Causes*, and over *Persons Ecclesiastical*; as also by whom, how, and how far forth their said *Power* hath

been from time to time either *opposed*, or *maintained*: shall undoubtedly find that no persons in the world have more freely acknowledged, and both by their writings and actions more zealously, judiciously and effectually asserted the *Soveraign Ecclesiastical power of Kings*, then the Protestant *Bishops* and *Divines* (whom our new Masters have been pleased of late to call the *Prelatical party*) in the Church of *England* have done. Yet so far hath Prejudice (or something else) prevailed with some Persons of Quality in these times of so much looseness and distraction; as to suffer themselves to be led into a belief, or at least-wise to be willing the People should be deceived into the belief of these *two things*. *First*, that the Opinion which maintaineth the *Jus divinum*

divinum of Episcopacy is destructive of the *Regal power*. And *secondly*, that *Episcopal Jurisdiction*, as it was exercised before, and at the beginning of this present Parliament, was derogatory from the Honour of the *King*, and prejudicial to the just Rights and Prerogatives of his Crown.

II.

Truly, they that know any thing of the Practises and proceedings of the *Anti-prelatical* party, cannot be ignorant, that their aims (these or whatsoever other pretensions notwithstanding) are clearly to enlarge their own Power, by lessening the Kings, and to raise their own Estates upon the Ruines of the *Bishops*. And therefore howsoever the aforesaid pretensions may seem at the first appearance to proceed from a sense

of *Loyalty*, and a tenderness of suffering any thing to be continued in the Kingdom which might tend to the least diminution of his Majesties just Power and Greatness. Yet, (till their Actions look otherwise than for some time past they have done) the Pretenders must give us leave to think that their meaning therein, is rather to do the *Bishops* hurt, than to do the *King* service; and that their affections (so far as by what is visible we are able to judge thereof) are much what alike the same towards them both. But to leave their Hearts to the judgement of him to whom they must stand or fall: For the just defence of Truth, and that (so far as we can help it) the People be not abused in this particular also, as in sundry others they have been, by such Men, as are content to use the

the Kings Name when it may help on their own Deſigns; I ſhall firſt ſet forth the Two *Main Objections* ſeverally to the beſt advantage of the *Objectors*; and then endeavour by a clear and ſatisfactory Anſwer to diſcover the weakneſs and vanity of them both.

III.

The former *Objection.* Whereas in the *Oath of Supremacy* the ſupreme *power Eccleſiaſtical* is acknowledged to be in the *King* alone; and by the Statute of 1. *Eliz.* all Juriſdictions and preeminencies Spiritual and Eccleſiaſtical within the Realm of *England*, are *reſtored to the Crown*, as the ancient Right thereof, and for ever United & annexed thereunto: the *Biſhops* claiming their Power and Juriſdiction to belong unto them as of *Divine Right*, ſeemeth to be a

manifest violation of the said *Oath* and *Statute*, and a real diminution of the *Regal power* in and by the said *Oath* and *Statute* acknowledged and confirmed. For whatsoever Power is of *Divine Right*, is immediately derived from God, and dependeth not upon any earthly King or Potentate whatsoever as Superiour thereunto. These two tearms, to be from *Heaven*, and to be of *Men*, being used in the Scriptures as tearms opposite and inconsistent, and such as cannot be both truly affirmed of the same thing.

IV.

The latter *Objection*. Setting aside the dispute of *Jus Divinum*, and whatsoever might be said either for or against the same: the very exercising of *Episcopal Jurisdiction* in such a manner as it was with us, the *Bishops*

Bishops issuing out their *Summons's*, giving *Censures*, and acting every other thing in the Ecclesiastical Courts, in *their own*, and not in the *Kings Name*, seemeth to derogate very much from the *Regal power* in the point of Ecclesiastical Soveraignty. For whereas the Judges in the *Kings Bench*, *Common Pleas*, and other Common-Law-Courts do issue out their *Writts*, and make all their *Judgements*, *Orders*, *Decrees*, *&c.* in the *Kings Name*; thereby acknowledging both their Power to be depending upon, and derived from the Kings Authority, and Themselves in the exercise of that Power to be but his *Ministers* sent and authorized by him; and so give him the just honour of his Supremacy Temporal: The Bishops on the other side exercise a *spiritual power or jurisdiction* in their

own Names, and as it were by their own Authority, without any the least acknowledgement of the efflux or emanation of that Power or Jurisdiction from the *King*. Which custom as it had undoubtedly its first rise, and after-growth from the exorbitant greatness of the Bishops of *Rome*, who have usurped an unjust Authority as well over *Kings* and *Princes*, as over their *Fellow-Bishops*, laboured all they could to lessen the Authority of Kings, especially in matters Ecclesiastical: so is the continuance thereof no otherwise to be esteemed than as a rag or relique of that Anti-christian Tyranny, which was retained (as some other things also of evil consequence were) in those imperfect beginnings of *Reformation*, when the *Popes* power was first abrogated under King *Henry* the

the VIII. But it was afterwards in a more mature and perfect Reformation taken into conſideration in the Raign of King *Edward* the VI. and remedy provided there-againſt by an Act of Parliament made in the firſt year of his Raign. Wherein it was Enacted, *That all Summons, Citations, and other Proceſſes Eccleſiaſtical, ſhould be made in the Kings Name, and with the ſtyle of the King, as it is in Writts Original and Judicial at the Common Laws*; and that the Teſt thereof only ſhould be in the name of the *Biſhop*.

V.

It is true indeed, that this *Statute* of King *Edward* was within a few years after Repealed, and ſo the old Uſage and Form again reſtored *primo Mariæ*, and hath ever ſince ſo continued during the Raigns of the ſaid

ſaid Queen, of Queen *Elizabeth*, of K. *James*, and of his Majeſty that now is, until this preſent Parliament, without any alteration or interruption. But the repealing of the Statute of 1. *Edw.* VI. and the reception of the former uſage inſuing thereupon, ought not to be alledged by the *Biſhops*, or to ſway with any Proteſtant: inaſmuch as that Repeal was made by Queen *Mary*, who was a profeſſed Papiſt, and who together with that Form of proceeding in the Eccleſiaſtical Courts, reſtor'd alſo the whole Popiſh Religion, whereof that was a branch. Neither ought the uninterrupted continuance of the ſaid Form under Queen *Elizabeth*, and the ſucceeding Kings, (whether it happened through inadvertency in the State, or through the inceſſant Artifices and practices of the more

more active Bishops, some or other whereof had alwayes a prevalent power with those Princes in their several Raigns) to hinder; But that as the said manner of proceeding was in the said first year of *Edward* VI. by the King, and the three Estates in Parliament adjudged to favour the Usurped power of the Bishops of *Rome*, and to trench upon the Kings just and acknowledg'd Authority in matters Eccleastastical (as by the Preamble in the said Act doth sufficiently appear;) so it ought to be still no otherwise esteemed then as a branch of the *Papal Usurpation*, highly derogatory to the Honour of the King, and the Rights of his Crown. This is (as I concieve) the sum of all that hath been, and the utmost of what (I suppose) can be said in this matter.

SECT.

SECT. II.

In anſwer to the former Objection

I.

WHereunto I make Anſwer as followeth. To the former *Objection*, I ſay firſt, that it is evidently of no force at all againſt thoſe Divines, who for the maintenance of *Epiſcopacy* lay their claim under another notion, and not under that of *Jus Divinum*. Which expreſſion, for that it is (by reaſon of the ambiguity thereof) ſubject to be miſtaken, and that captious men are ſo willing to miſtake it for their own advantage, might peradventure without loſs of Truth, or prejudice to the Cauſe, be with as much prudence laid aſide, as uſed, as in this, ſo in ſundry other Diſputes and Controverſies of theſe Times.

II.

II.

If it ſhall be replyed, that then belike the *Proctors of Epiſcopacy* are not yet well agreed among themſelves by what Title they hold: and that is a ſhrewd prejudice againſt them, that they have no good Title. For it is ever ſuppoſed he that hath a good Title, knoweth what it is: and we are to preſume the Power to be uſurped, when he that uſeth it, cannot well tell how he came by it. I ſay therefore *ſecondly*, that the *difference* between the Advocates for *Epiſcopacy*, is rather in the different manner of expreſſing the ſame thing, then in their different Judgement upon the Subſtance of the Matter. The one ſort making choice of an Expreſſion which he knoweth he is able to make good againſt all gainſayers, if they will but underſtand him aright:

the

the other out of Wariness or Condescention forbearing an expression, (no necessity requiring the use of it) which he seeth to have been subject to so much mis-construction.

III.

For the truth is, all this ado about *Jus Divinum* is in the last result no more then a meer Verbal Nicety: that term being not always taken in one and the same Latitude of Signification. Sometimes it importeth a *Divine precept* (which is indeed the primary and most proper signification:) when it appeareth by some clear express and peremptory command of God in his Word, to be the Will of God that the thing so commanded should be perpetually and universally observed. Of which sort, setting aside the Articles of the Creed, and the Moral Duties of the Law (which

(which are not much pertinent to the preſent enquiry) there are, as I take it, very few things that can be ſaid to be of *Divine poſitive Right* under the *New Teſtament*. The Preaching of the Goſpel, and Adminiſtration of the Sacraments, are Two: which when I have named, I think I have named all.

IV.

But there is a Secondary and more extended ſignification of that Term, which is alſo of frequent uſe among Divines. In which ſenſe ſuch things, as having no expreſs Command in the Word, yet are found to have Authority and Warrant from the Inſtitution, Example, and Approbation either of Chriſt himſelf, or his Apoſtles; and have (in regard of the Importance and uſefulneſs of the Things themſelves) been held, by the

the *Conſentient Judgement* of all the Churches of Chriſt in the Primitive and Succeeding ages, needful to be continued : ſuch things I ſay are (though not ſo properly as the former, yet) uſually and *Interpretativè* ſaid to be of *Divine Right*. Of which ſort I take the Obſervation of the Lords-Day, the ordering the *Keys*, the Diſtinction of *Presbyters* and *Deacons*, and ſome other things (not all perhaps of equal Conſequence) to be. Unto *Jus Divinum* in that former acception, is required a Divine Precept : in this latter, it ſufficeth thereunto that a thing be of Apoſtolical Inſtitution or Practice. Which Ambiguity is the more to be heeded, for that the Obſervation thereof is of great uſe for the avoiding of ſundry Miſtakes, that through the ignorance or neglect thereof daily

daily happen to the engaging of men in endleſs Diſputes, and intangling their Conſciences in unneceſſary ſcruples.

V.

Now, that the Government of the Churches of Chriſt by Biſhops, is of Divine Right in that firſt and ſtricter ſenſe, is an Opinion at leaſt of great Probability, and ſuch as may more eaſily, and upon better grounds be Defended than confuted: eſpecially if in expounding thoſe Texts that are alledged for it, we give ſuch deference to the Authority of the Ancient Fathers, and their Expoſitions thereof, as wiſe and ſober men have always thought it fit we ſhould do. Yet becauſe it is both inexpedient to maintain a Diſpute where it needs not, and needleſs to contend for more, where leſs will ſerve the

turn : I find that our Divines that have travailed most in this Argument, where they pupolely treat of it, do rather choose to stand to the Tenure of Episcopacy *ex Apostolicâ designatione*, then to hold a contest upon the Title of *Jus Divinum*, no necessity requiring the same to be done. They therefore that so speak of this Government as established by Divine Right, are not all of them necessarily so to be understood, as if they meant it in that first & stricter sense. Sufficient it is for the Justification of the Church of *England* in the Constitution and Government thereof, that it is (as certainly it is) of Divine Right in the latter and larger signification : that is to say, of Apostolical Institution and approbation; exercised by the Apostles themselves, and by other Persons in their

their times, appointed and enabled thereunto by them, according to the Will of our Lord Jesus Christ, and by virtue of the Commission they had received from him.

VI.

Which besides that, it is clear from evident Texts of Scripture, and from the Testimony of as Ancient and Authentick Records as the world hath any to shew for the attesting of any other part of Ecclesiastical Story; it is also in truth a part of the established Doctrine of the Church of *England*: evidently deduced out of sundry passages in the Book of *Consecration*, (which Book is approved in the Articles of Religion *Art.* 36. confirmed by Act of Parliament, and Subscribed unto by all persons that have heretofore taken Orders in the Church, or De-

grees in the University;) and hath been constantly and uniformly maintained by our best Writers, and by all the sober, orderly and Orthodox Sons of this Church. The Point hath been so abundantly proved by sundry Learned Men, and cleared from the exceptions of Novelists; that more need not be said for the satisfaction of any Intelligent Man, that will but first take the pains to read the Books, and then suffer himself to be Master of his own Reason.

VII.

Only I could wish, that they who plead so eagerly for the *Jus Divinum* of the Lords Day, and yet reject (not without some scorn) the *Jus Divinum* of Episcopacy, would ask their own hearts (dealing impartially

partially therein) whether it be any apparent Difference in the Nature of the Things themſelves, or in the ſtrength of thoſe Reaſons that have been brought for either, that leadeth them to have ſuch Different Judgements thereof; or rather ſome Prejudicate Conceit of their own; which having formerly fancyed to themſelves even as they ſtood affected to parties, the ſame affections ſtill abiding, they cannot eaſily lay aſide. Which partiality (for I am loath to call it perverſneſs) of ſpirit, is by ſo much the more inexcuſable in this particular; by how much Epiſcopal government ſeemeth to be grounded upon Scripture Texts of greater pregnancy and clearneſs, and atteſted by a fuller conſent of Antiquity to have been Uniformly and

Univerſally obſerved throughout the whole Chriſtian World, then the Lords Day hath hitherto been ſhewn to be.

VIII.

But ſhould it be granted, that all the Defenders of Epiſcopacy did indeed hold it to be *Jure Divino* in the ſtricteſt and moſt proper ſenſe; Yet could not the Objectors thence reaſonably conclude, that it ſhould be *Eo Nomine* inconſiſtent with the Regal Power, or ſo much as derogatory in the leaſt degree to that Supream Power Eccleſiaſtical, which by the Laws of our Land is eſtabliſhed, and by the Doctrine of our Church acknowledged to be Inherent in the Church. As themſelves may eaſily ſee, if they will but conſider.

IX.

IX.

First, That Regal and Episcopal Power, are two Powers of quite different kinds: and such as considered purely in those things that are proper and Essential to either, have no mutual Relation unto, or Dependence upon each other; neither hath either of them any thing to do with the other. The one of them being purely Spiritual and Internal, the other External & Temporal: albeit in regard of the Persons that are to exercise them, or some accidental Circumstances appertaining to the Exercise thereof, it may happen the one to be someways Helpful or Prejudicial to the other; yet is there no necessity at all that the very Powers themselves in respect that their own Natures should be (at a distance) either of them so Destructive

to other, but that they might conſiſt well enough together. Yea, although either of them, or both ſhould claim (as indeed they both may do) to be of divine right independently upon the other. Let any man come up to the point, and ſhew if he can, how and wherein the Epiſcopal power is any thing at all diminiſhed by affirming the Regal to be of divine right? or how and wherein the Regal power is at all Prejudiced, by affirming the Epiſcopal to be of divine right? The oppoſition between thoſe two Terms, *To be from Heaven*, and *To be of Men*, which was objected, cometh not home enough: unleſs we ſhould affirm them both of one and the ſame power in the ſame reſpect. Which ſince we do not;

not; that oppoſition hindereth not, but that the ſame power may be ſaid to be of both in divers reſpects, *viz.* to be from Heaven, or of God, in reſpect of the ſubſtance of the thing in the general; and yet to be of Men in reſpect of the determination of ſundry particularities requiſite unto the lawful and laudable exerciſe thereof.

X.

Secondly, that the derivation of any power from God doth not neceſſarily infer the non-ſubjection of the perſons in whom that power reſideth to all other men. For doubtleſs the power that Fathers have over their Children, Husbands over their Wives, maſters over their Servants, is from Heaven, of God and not of Men.

Yet

Yet are Parents, Husbands, Masters, in the Exercise of their several respective Powers subject to the Power, Jurisdiction and Laws of their lawful Soveraigns. And I suppose it would be a very hard matter for any Man to find out a clear and satisfactory reason of difference between the Ecclesiastical Power, and the Oeconomical: Why the one, because it claimeth to be of Divine Right, should be therefore thought to be Injurions to Regal Power, and the other (though claiming in the same manner) not to be Injurious.

XI.

Thirdly, The *Ministerial Power*, in that which is common to Bishops with their Fellow-Presbyters, *viz.* the *Preaching of the Word*, and the *Administration of the Sacraments*, &c. is confessed to be from Heaven, and of

of God; and yet no Prejudice at all conceived to be done thereby to the Regal Power; becauſe the Miniſters who exerciſe that Power, are the Kings Subjects, and are alſo in the executing of thoſe very Acts that are proper to their Miniſterial Functions to be limited and ordered by the Eccleſiaſtical Laws. A Man might therefore juſtly wonder, (but that it is no new thing to find in the bag of ſuch Merchants, as we have now to deal with, *pondus & pondus*) how it ſhould come to paſs that the Epiſcopal Power, in that which is peculiar to Biſhops above other their Brethren in the Miniſtery, *viz.* The *Ordaining of Prieſts and Deacons*, and *Managing of the Keys*, cannot be ſaid to be of God, but it muſt be forthwith condemned to be highly derogatory to the Regal Power: not-

notwithstanding the Bishops acknowledge themselves as freely as any others whosoever, to be the Kings Subjects, and submit themselves, with as much willingness (I dare say, and some Presbyterians know I speak but the truth) as the meanest of their fellow Ministers do, to be limited in exercising the proper Acts of their Episcopal Functions by such Laws as have been by Regal Power established in this Realm. The King doth no more challenge to himself as belonging to him by virtue of his Supremacy Ecclesiastical, the power of ordaining Ministers, Excommunicating scandalous offenders, or doing any other act of Episcopal Office in his own person, then he doth the power of Preaching, administring

adminiſtring the Sacraments, or doing any other act of *Miniſterial* Office in his own perſon: but leaveth the performance of all ſuch acts of either ſort unto ſnch perſons, as the ſaid ſeveral reſpective powers do of divine right belong unto, *viz.* of the one ſort to the Biſhop, and of the other to all Prieſts. Yet doth the King by virtue of that Supremacy, challenge a power as belonging unto him in the right of his Crown, to make Laws as well concerning Preaching, adminiſtring the Sacraments, and other acts belonging to the function of a Prieſt, as concerning Ordination of *Miniſters*, proceedings in matters of Eccleſiaſtical cogniſance in the Spiritual Courts, and other Acts belonging

belonging to the Function of a Bishop. To which Laws, as well the Priests as the Bishops, are subject, and ought to submit to be Limited and Regulated thereby in the Exercise of those their several respective Powers; their claim to a *Jus Divinum*, and that their said several Powers are of God, notwithstanding. I demand then: As to the Regal Power, is not the case of the Bishops and of the Ministers every way alike? Do they not both pretend their Powers to be of God? And are they not yet for all that both bound in the Exercise of both those Powers to obey the King and his Laws? Is there not clearly the same reason of both? How then cometh it to pass, that these are pronounced innocent, and those guilty? Can any think God will wink at such foul Partiality?

or

or account them pure with the Bag of Deceiptful Weights?

XII.

Fourthly, That there can be no fear of any Danger to ariſe to the prejudice of the Regal power, from the Opinion that Biſhops are *Jure Divino*, unleſs that Opinion ſhould be ſtretched to one of theſe two Conſtructions, *viz.* as if it were intended either 1. That all the Power which Biſhops have legally exerciſed in Chriſtian Kingdoms did belong to them as of Divine Right; Or 2. That Biſhops living under Chriſtian Kings, might at leaſt exerciſe ſo much of their power as is of Divine Right after their own pleaſure, without, or even againſt the Kings leave, or without reſpect to the Laws and Cuſtoms of the Realm. Neither of which is any

part

part of our meaning. All power, to the exercise whereof our Bishops have pretended, cometh under one of the two heads, of Order, or of Jurisdiction. The power of Order consisteth partly in Preaching the word and other Offices of publick Worship; common to them with their fellow-ministers; partly in Ordaining Priests and Deacons, admitting them to their particular Cures, and other things of like nature; peculiar to them alone. The power of Jurisdiction is either Internal in retaining and remitting sins *in foro conscientiæ*, common to them also (for the substance of the authority, though with some difference of degree) with other *Ministers*: or External for the outward government of the Church in some parts thereof peculiar to them alone. For that

that *external power* is either *Directive* in prescribing rules and orders to those under their Jurisdictions, and making Canons and Constitutions to be observed by the Church; wherein the inferior Clergy by their Representatives in Convocation have their Votes, as well as the *Bishops*; and both dependently upon the *King* (for they cannot either meet without his Writ, or treat without his Commission, or establish without his Royal Assent:) or Judiciary and Coercive, in giveing Sentence *in foro exteriori* in matters of Ecclesiastical cognisance, Excommunicating, Fining, Imprisoning Offenders, and the like. Of these powers some branches, not only in the exercise thereof, but even in the very substance of the Power it self, (as namely that of

external juriſdiction coercive,) are by the Laws declared, and by the Clergy acknowledged to be wholly and entirely derived from the King, as the ſole Fountain of all Authority of External Juriſdiction whether Spiritual or Temporal within the Realm; and conſequently not of Divine Right. Otherſome, although the ſubſtance of the power it ſelf be immediately from God, and not from the King, as thoſe of Preaching, Ordaining, Abſolving, *&c.* Yet are they ſo ſubject to be inhibited, limited, or otherwiſe regulated in the outward exerciſe of that power by the Laws and Cuſtomes of the Land, as that the whole execution thereof ſtill dependeth upon the Regal Authority. And how can the groſs of that Power be prejudicial to the King

King or his Supremacy, whereof all the parts are confeſſed either to be derived from him, or not to be executed without him?

XIII.

Fifthly, That if Epiſcopacy muſt be therefore concluded to be repugnant to Monarchy, becauſe it claimeth to be of Divine Right: then muſt Monarchs either ſuffer within their dominions no form of Church-Government at all (and then will Church, and with it Religion, ſoon fall to the Ground;) or elſe they muſt deviſe ſome new Model of Government, ſuch as never was yet uſed or challenged in any part of the Chriſtian world; ſince no form of Government ever yet uſed, or challenged, but hath claimed to a *Jus divinum* as well as Epiſcopacy: Yea, I may ſay truly,

ly, every one of them with far more noiſe, though with far leſs reaſon than Epiſcopacy hath done. And therefore of what party ſoever the Objectors are, (Papiſts, Presbyterians, or Independents) they ſhew themſelves extreamly Partial againſt the honeſt Regular Proteſtant; in condemning him as an enemy to Regal Power for holding that in his way, which (if it be juſtly chargable with ſuch a crime,) themſelves holding the very ſame in their ſeveral wayes, are every whit as deeply guilty of, as he.

XIV.

Laſtly, That this their partiality is by ſo much the more inexcuſable, by how much the true *Engliſh* Proteſtant for his Government not only hath a better title to a *Jus divinum*, than any of the other three have

have for theirs; but alſo pleadeth the ſame with more caution and modeſty, than any of them do. Which of the four Pretenders hath the beſt title, is no part of the buſineſs we are now about. The tryal of that will reſt upon the ſtrength of the arguments that are brought to maintain it: wherein the Presbyterians perhaps will not find any very great advantage beyond the reſt of thoſe that conteſt for it. But let the right be where it will be; we will for the preſent ſuppoſe them all to have equal title (and thus far indeed they are equal, that every one taketh his own to be beſt:) and it ſhall ſuffice to ſhew, that the *Jus Divinum* is pleaded by the Epiſcopal party with more calmneſs and moderation, & with leſs derogation from Regal Dignity, then by any other of the three.

XV.

For *First*, The reſt when they ſpake of *Jus Divinum* in reference to their ſeveral wayes of Church-Government, take it in the higheſt elevation, in the firſt and ſtricteſt ſenſe. The Papiſt groundeth the Popes Oecumenical Supremacy upon Chriſts command, to *Peter* to execute it, and to all the Flock of Chriſt (Princes alſo as well as others) to ſubmit to him as their Univerſal Paſtor. The Presbyterian cryeth up his Model of Government and Diſcipline, (though minted in the laſt by-gon Century,) as the very Scepter of Chriſts Kingdome, whereunto all Kings are bound to ſubmit theirs; making it as unalterable and inevitably neceſſary to the being of a Church, as the Word and Sacraments are.

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The Independent Separatiſt alſo, upon that grand Principle of Puritaniſme common to him with the Presbyterian (the very root of almoſt all the Sects in the World) *viz.* That nothing is to be ordered in Church-matters, other, or otherwiſe than Chriſt hath appointed in his Word; holdeth that any company of People gathered together by mutual conſent in a Church-way is *Jure Divino* free and abſolute within it ſelf, to govern it ſelf by ſuch Rules as it ſhall judg agreeable to Gods Word, without dependence upon any but *Chriſt Jeſus* alone, or ſubjection, to any Prince, Prelate, or other humane perſon or Conſiſtory whatſoever. All theſe you ſee do not onely claim to a *Jus Divinum*, and that of a very high nature; but in ſetting down their

Opinions weave in ſome expreſſes tending to the diminution of the Eccleſiaſtical Supremacy of Princes. Whereas the Epiſcopal party neither meddle with the power of Princes, nor are ordinarily very forward to preſs the *Jus Divinum*, but rather purpoſely decline the mentioning of it, as a term ſubject to miſconſtruction (as hath been ſaid) or elſe ſo interpret it, as not of neceſſity to import any more than an Apoſtolical inſtitution. Yet the Apoſtles authority in that inſtitution, being warranted by the example, and (as they doubt not) the direction of their Maſter *Jeſus Chriſt*, they worthily eſteem to be ſo reverend and obligatory; as that they would not for a world have any hand in, or willingly and deliberately contribute the leaſt aſſiſtance towards (much leſs bind

bind themſelves by ſolemn League and Covenant to endeavour) the extirpation of that Government; but rather on the contrary hold themſelves in their conſciences obliged, to the uttermoſt of their powers to endeavour the preſervation and continuance thereof in theſe Churches, and do heartily wiſh the reſtitution and eſtabliſhment of the ſame, whereſoever it is not, or whereſoever it hath been heretofore (under any whatſoever pretence) unhappily laid aſide, or aboliſhed.

XVI.

Secondly, The reſt (not by remote inferences, but) by immediate and natural deduction out of their own acknowledged Principles, do ſome way or other deny the KING's Supremacy in matters Eccleſiaſtical: Either claiming

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a power of Jurisdiction over him, or pleading a priviledge of Exemption from under him. The Papists do it both wayes; in their several Doctrines of the Popes Supremacy, and of the Exemption of the Clergy. The Puritans of both sorts, who think they have sufficiently confuted every thing they have a mind to mislike, if they have once pronounced it Popish and Antichristian, do yet herein (as in very many other things, and some of them of the most dangerous consequence) symbolize with the Papists, and after a sort divide that branch of Antichristianism wholly between them: The Presbyterians claiming to their Consistories as full and absolute spiritual Jurisdiction over Princes, (with power even to excommunicate them, if they shall see cause for it,)

it,) as the Papiſts challenge to belong to the *Pope*: And the Independents exempting their Congregations from all ſpiritual ſubjection to them, in as ample manner, as the *Papiſts* do their Clergy. Whereas the *Engliſh* Proteſtant Biſhops and Regular Clergy, as becometh good Chriſtians and good Subjects, do neither pretend to any Juriſdiction over the Kings of *England*, nor with-draw their ſubjection from them: but acknowledge them to have Soveraign Power over them, as well as over their other Subjects; and that in all matters Eccleſiaſtical as well as Temporal. By all which it is clear, that the *Jus Divinum* of Epiſcopacy, as it is maintained by thoſe they call (*ſtylo novo*) the Prelatical party in *England*, is not an Opinion of ſo dangerous

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a nature, nor so derogatory to the Regal Powers, as the Adversaries thereof would make the world believe it is: but that rather, of all the forms of Church-Government that ever yet were endeavoured to be brought into the Churches of Christ, it is the most innocent in that behalf.

SECT.

SECTION III.

In Answer to the later Objection.

I.

HAving thus cleared the Opinion held concerning Episcopacy in the Church of *England* from the crime unjustly charged upon it by the Adversaries, (but whereof in truth themselves are deeply guilty) in their former Objection: Our next business will be the easier, to justifie it in the Practise also from the like charge laid against it in the latter Objection, by shewing that the Jurisdiction exercised by the Bishops within this Realm, (and namely in that particular which the Objectors urge

urge with most vehemency, of acting so many things in their own names,) is no way derogatory to the Kings Majesties Power or Honour. Wherein it were enough for the satisfaction of every understanding Man, without descending to any farther particularities, to shew the impertinency of the Objection from these two general Considerations.

II.

First, That the Bishops have exercised no Jurisdiction *in foro externo* within this Realm, but such as hath been granted unto them by the successive Kings of *England*; neither have challenged any such Jurisdiction to belong unto them by any inherent right or title in their persons or Callings, but onely by emanation and derivation from the Royal

Royal Authority. The very words of the Statute, *primo. Edw. 6.* in the Objection mentioned run thus, *Seeing that all authority of juriſdiction Spiritual and Temporal is derived and deducted from the Kings Majeſty as Supream head-- and ſo juſtly acknowledged by the Clergy of the ſaid Realms, and that all Courts Eccleſiaſtical be kept by no other power or authority either forraign or within the Realms, but by the authority of his moſt Excellent Majeſty, &c.* Now the regular exerciſe of a Derived power is ſo far from deſtroying, or any way diminiſhing the Original power from whence it is derived, as that it rather confirmeth and eſtabliſheth the ſame. Yea, the further ſuch derived power is extended and enlarged in the exerciſe thereof, ſo as it be regular,

(that

(that is, so long as it containeth it self within the bounds of its grant, and exceedeth not the limits prefixed thereunto by that Original power that granted it) the more it serveth to set forth the honour and greatness of that Original power; since the Vertue of the efficient Cause is best known by the greatness of the effect: for *Propter quod unumquodque est tale, illud ipsum est magis tale.* As the warmth of the room doth not lessen the heat of the Fire upon the hearth, but is rather a sign of the greatness of that heat: nor doth the abundance of sap in the branches cause any abatement in the root, but is rather an evident demonstration of the greater plenty there.

III.

Secondly, That it is one of the greatest

greateſt follies in the world, to endeavour in good earneſt to maintain any thing by argument, when we have the evidence of Sence or Experience to the contrary. For what is it *cum ratione inſanire*, if this be not? To deny Fire to be hot, or Water to be moiſt, or Snow to be white; when our Sences inform us they are ſuch? Or to prove by argument that life may be perpetuated by the help of Art and good Dyet, or that Infants are capable of Faith or Inſtruction by ordinary means; when Experience ſheweth the contrary: Now the Experience of above Four-ſcore years, ever ſince the beginning of Queen *Elizabeths* Raign, doth make it moſt evident, that the exerciſe of Epiſcopal Juriſdiction by the Proteſtant Biſhops here, was ſo far

from diminiſhing the power, or eclipſing the glory of the Crown, that the Kings and Queens of *England* never enjoyed their Royal power in a fuller meaſure, or flouriſhed with greater luſtre, honour and proſperity, then when the Biſhops (by their favour) enjoyed the full liberty of their Courts, Juriſdictions, Honours and Priviledges according to ancient grants of former Kings, and the Laws and Cuſtomes of *England*. On the other ſide, in what condition of power and honour (otherwiſe then in the hearts of his oppreſſed Subjects) our moſt pious and gracious Soveraign that now is hath ſtood, and at this preſent ſtandeth, through the prevalency of the *Smectymnuan* Faction; ever ſince they had the opportunity and forehead from lopping off (as

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was at first pretended) some luxuriant superfluities (as they at least imagined them to be) in the branches of Episcopal Jurisdiction (as High Commission Oath, *ex officio*, &c.) to proceed to take away Episcopacy it self Root and Branch: it were a happy thing for us, if the lamentable Experience of these late Times would suffer us to be ignorant. So as we now look upon that short Aphorisme so usual with his Majesties Royal Father [NO BISHOP, NO KING] not as a sentence onely full of present truth when it was uttered; but rather as a sad prophecy of future events, since come to pass. The miseries of these wasting divisions both in the Church and Common-wealth we cannot with any reason hope to see an end of, until it shall please

Almighty God in his infinite mercy to a ſinful Nation, to reſtore them both (King and Biſhops) to their Antient, Juſt, and Rightful power: and in order thereunto graciouſly to hear the weak prayers of a ſmall oppreſſed Party, (yet coming from loyal hearts, and going not out of feigned lips) beyond the loud crying Perjuries, Sacriledges and Oppreſſions of thoſe that now exerciſe an Arbitrary Soveraignty over their fellow Subjects without either Juſtice or Mercy, together with the abominable hypocriſie and diſloyalty that hath ſo long raigned in them and their adherents.

IV.

Thoſe two general Conſiderations, although they might (as I ſaid) ſuffice to take away the force of the Objection, without troubling our ſelves

ſelves, or the Reader with any farther anſwer thereunto: yet that the Objectors may not have the leaſt occaſion given them to quarrel the proceedings, as if we did purpoſely decline a juſt tryal, we ſhall come up a little cloſer, and examine more particularly every material point, in the order as they lye in the Objection aforeſaid. And the Points are three.

1. That the manner uſed by the Biſhops, in ſending out their Summons, *&c.* in their own names, is contrary to the form and order of other Courts.
2. That ſuch forms of Proceſs ſeem to have at firſt proceeded from the Uſurped power of the Biſhops of *Rome*, who laboured by all poſſible means to bring down the Regal Power, and ſet up their own.

3. That upon theſe very grounds the Cuſtome was altered by Act of Parliament, and a Statute made 1. *Edw.* VI. (howſoever ſince repealed and diſcontinued,) that all Proceſſes Eccleſiaſtical ſhould be made in the Kings name, and not in the Biſhops.

V.

As to the firſt point, true it is that the manner uſed by the Biſhops in the Eccleſiaſtical Courts, (*viz.* in iſſuing out Summons, Citations, Proceſſes, giving Judgments, &c. in their own names, and not in the Kings,) is different from the manner uſed in the Kings Bench, Exchequer, Chancery, and ſundry other Courts. But that difference neither doth of neceſſity import an independency of the Eccleſiaſtical Courts upon the King, nor did

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in all probability ariſe at the beginning from the Opinion of any ſuch independency; nor ought in reaſon to be conſtrued as a diſacknowledgment of the Kings Authority and Supremacy Eccleſiaſtical. For,

VI.

Firſt, There is between ſuch Courts as are the Kings own immediate Courts, and ſuch Courts as are not, a great difference in this point. Of the former ſort are eſpecially the Kings Bench and Chancery: as alſo the Courts of Common Pleas, Exchequer, Juſtices of Goal-delivery, &c. In the King's Bench the Kings themſelves in former times have often perſonally ſate, whence it came to have the name of the Kings Bench; neither was it tyed to any particular place, but followed the Kings Perſon. At this

day alſo all Writs returnable there run in this ſtyle, *Coram nobis*, and not (as in ſome other Courts) *Coram Juſtitiariis noſtris* or the like; and all Judicial Records there are ſtyled, and the Pleas there holden, entred, *Coram Rege*, and not *Coram Juſtitiariis Domini Regis*. Appeals alſo are made from inferiour Judges in other Courts to the King in Chancery; becauſe in the conſtruction of the Laws the Kings Perſonal Power and Preſence is ſuppoſed to be there: and therefore *Sub-pœna's* granted out of that Court, and all matters of Record paſſed there, run in the ſame ſtyle, *Coram Rege, &c.* Foraſmuch as in the Judges in theſe two Courts there is a more immediate repreſentation of the Kings Perſonal power and preſence, then in the Judges of thoſe other Courts

of

of Common-Pleas, Exchequer, &c. Which yet by reaſon of his immediate virtual power and preſence are the Kings immediate Courts too. In regard of which his immediate virtual power, although the ſtyle of the Writs and Records there be not *Coram nobis*, *Coram Rege*, as in the former, but only *Coram Juſtitiariis*, *Coram Baronibus noſtris*, *&c.* Yet inaſmuch as the Judges in thoſe Courts are the Kings immediate ſworn Miniſters to execute Juſtice, and to do equal right to all the Kings people in his name, therefore all Proceſſes, Pleas, Acts and Judgments are made and done in thoſe Courts, as well as in the two former, in the Kings Name. But in ſuch Courts as do not ſuppoſe any ſuch immediate Repreſentation or

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preſence of the Kings either perſonal or virtual power, as that thereby they may be holden and taken to be the King's own immediate Courts, the caſe is far otherwiſe. For neither are the Judges in thoſe Courts ſworn the Kings Judges, to adminiſter Juſtice, and do right to the Kings Subjects in his name and ſtead: nor do they take upon them the authority, to cite any perſon, or to give any ſentence, or to do any act of Juriſdiction in the Kings name; having never been by him authorized ſo to do. Of this ſort are amongſt others (beſt known to them that are skilled in the Laws of this Realm) all Courts-Baron held by the Lord of a Manner, Cuſtomary Courts of Copy-holders, *&c.* and ſuch Courts as are held by the Kings grant, by Charter to ſome Corpo-

Corporation, as to a City, Borough, or Univerſity; or elſe by long uſage and preſcription of time. In all which Courts, and if there be any other of like nature, Summons are iſſued out, and Judgments given, and all other Acts and Proceedings made and done in the name of ſuch perſons as have chief authority in the ſaid Courts, and not in the name of the King: So as the ſtiles run thus, *A.B. Major civitatis Ebor. N.M. Cancellarius Univerſitatis Oxon.* and the like; and not *Carolus Dei gratia, &c.*

VII.

Upon this ground it is that our Lawyers tell us out of *Bracton*, that in caſe of *Baſtardy* to be certified by the Biſhop, no inferiour Court, as *London*, *York*, *Norwich*, or any other Incorporation can write to the Biſhop

Biſhop to require him to certify: but any of the Kings Courts at *Weſtminſter* (as Common Pleas, Kings Bench, *&c.*) may write to him to certify in that caſe. The reaſon is, Becauſe *Nullus alius præter Regem poteſt Epiſcopo demandare inquiſitionem faciendam.* Which maketh it plain that the Kings immediate power (either perſonal, or virtual) is by the Law ſuppoſed to be preſent in Courts of the one ſort, not of the other: the one ſort being his own immediate Courts, & the other not.

VIII.

Now that the Eccleſiaſtical Courts wherein the Biſhops exerciſe their Juriſdiction, are of the latter ſort, I doubt not but our Lawbooks will afford plenty of Arguments to prove it, beyond all poſſibility of contradiction or cavil. Which

Which being little verſed in thoſe ſtudies I leave for them to find out who have leiſure to ſearch the books, and do better underſtand the nature, conſtitution, differences and bounds of the ſeveral Courts within this Realm. One Argument there is, very obvious to every underſtanding, (which becauſe I ſhall have fit occaſion a little after to declare, I will not now any longer inſiſt upon,) taken from the nature of the Juriſdiction of theſe Courts ſo far diſtant from the Juriſdiction appertaining to thoſe other Courts, that theſe are notoriouſly ſeparated and in Common and vulgar ſpeech diſtinguiſhed from all other by the peculiar name and appellation of the Spiritual Courts. But another Argument, which thoſe Books have ſuggeſted, I am the more willing

willing here to produce, for that it not onely ſufficiently proveth the matter now in hand, but is alſo very needful to be better known abroad in the world than it is, for the removing of a very unjuſt cenſure, which meerly for want of the knowledge of the true cauſe, hath been laid upon the Biſhops in one particular, to their great wrong and prejudice. It hath been much talked on, not only by the common ſort of people, but by ſome perſons alſo of better rank and underſtanding, and imputed to the Biſhops as an act of very high inſolency, that in their Proceſſes, Patents, Commiſſions, Licences, and other Inſtruments whereunto their Epiſcopal Seat is affixed, ſo oft as they have occaſion to mention themſelves, the Style runneth ever more in the Plural Number

[*Nos*

[*Nos G. Cantuar. Archiepiſcopus, Coram nobis, Salvo nobis---&c.*] juſt as it doth in his Majeſties Letters Patents and Commiſſions: thereby ſhewing themſelves (ſay they) as if they were his Fellows and Equals. All this great noiſe and clamour againſt the pride of the Biſhops upon this ſcore, proceedeth (as I ſaid) meerly from the ignorance of the true original cauſe and ground of that innocent and ancient uſage; and therefore cannot ſignifie much to any reaſonable and conſidering Man, when that ground is diſcovered: which is this, *viz.* that every Biſhop is in conſtruction of our Laws a Corporation. For although the Biſhop of himſelf and in his private and perſonal capacity be but a ſingle perſon as other Men are, and accordingly in his Letters concern-

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ing his own particular affairs, and in all other his actings upon his own occasions, and as a private person writeth of himself in the singular number, as other private men do; yet for as much as in his publick and politick capacity, and as a Bishop in the Church of *England*, he standeth in the eye of the Law as a Corporation; the King not only alloweth him acting in that capacity, to write of himself in the plural number, but in all Writs directed to him as Bishop (as in Presentations, and the like) bespeaketh him in the plural number [*Vestræ Diocesis, vobis præsentamus, &c.*] The Bishop then being a Corporation, and that by the Kings authority, as all other Corporations (whether Simple or Aggregate, whether by Charter or Prescription) are it is meet he should hold his

his Courts, and proceed therein in the ſame manner and form (where there is no apparent reaſon to the contrary) as other Corporations do. And therefore as it would be a high preſumption for the Chancellor and Scholars of one of the Univerſities, being a Corporation, to whom the King by his Charter hath granted a Court, or for the Major and Aldermen of a City for the ſame reaſon, to iſſue Writs, or do other acts in their Courts in the Kings name; not having any authority from the King or his grant, or from the Laws and Cuſtoms of *England* ſo to do: ſo doubtleſs it would for the ſame reaſon be eſteemed a preſumption no leſs intolerable for the Biſhops to uſe the Kings name in their Proceſſes and judicial acts, not having any ſufficient legal warrant or authority for ſo doing.

IX.

Which if it were duly considered, would induce any reasonable Man to believe and confess that this manner of proceeding in their own names used by the Bishops in their Courts, is so far from trenching upon the Regal power and authority, which is the crime charged upon it by the Objectors, that the contrary usage (unless it were enjoyned by some Law of the Land, as it was in the Reign of King *Edward* the Sixth) might far more justly be charged therewithall. For the true reason of using the Kings name in any Court, is not thereby to acknowledg the emanation of the power or jurisdiction of that Court from, or the subordination of that power unto, the Kings power or authority, as the Objectors seem to sup-

ſuppoſe; but rather to ſhew the ſame Court to be one of the Kings own immediate Courts, wherein the King himſelf is ſuppoſed (in the conſtruction of the Law) either by his perſonal or virtual power to be preſent. And the not uſing of the King's name in other Courts, doth not infer, as if the Judges of the ſaid Courts did not act by the *Kings* authority, (for who can imagine that they who hold a Court by virtue of the King's grant only, ſhould pretend to act by any other than his authority?) but only that they are no immediate repreſentatives of the *King*'s perſon in ſuch their juriſdiction, nor have conſequently any allowance from him to uſe his name in the exerciſe or execution therof.

X.

Secondly, There is another obſervable

servable difference in this point, between the Kings Common-Law-Courts, such as are most of those aforementioned, and those Courts that proceed according to the way of the Civil Law. If the King appoint a Constable, or Earl-Marshal, or Admiral of *England*: for as much as all Tryals in the *Marshal's* Court (commonly called the Court of Honour) and in the Admiralty are according to the Civil Law; all Processes therefore, Sentences, and Acts in those Courts go in the names of the Constable, Earl-Marshal, or Admiral, and not in the Kings name. Which manner of proceeding constantly used in those Courts, sith no Man hitherto hath been found to interpret, as any diminution at all or dis-acknowledgment of the Kings Soveraignty over

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the ſaid Courts: it were not poſſible the ſame manner of proceeding in the Eccleſiaſtical Courts ſhould be ſo confidently charged with ſo heinous a crime, did not the intervention of ſome wicked luſt or other prevail with Men of corrupt minds to become partial Judges of evil thoughts. Eſpecially conſidering, that, XI.

Thirdly, There is yet a more ſpecial and peculiar Reaſon to be given in the behalf of the Biſhops for not uſing the King's Name in their Proceſſes, *&c.* in the Eccleſiaſtical Courts, then can be given for the Judges of any other the above-mentioned Courts (either of the Common or Civil Laws) in the ſaid reſpect; ariſing (as hath been already in part touched) from the different nature of

their several respective Jurisdictions. Which is, that the summons and other proceedings and acts in the Ecclesiastical Courts are for the most part in order to the Ecclesiastical censures and sentences of Excommunication, *&c.* The passing of which sentences and others of like kind, being a part of the power of the Keyes which our Lord *Jesus Christ* thought fit to leave in the hands of his Apostles and their Successors, and not in the hands of Lay-men; the *Kings* of *England* never challenged to belong unto themselves: but left the exercise of that Power entirely to the Bishops, as the lawful Successors of the Apostles, and inheritours of their Power. The regulating and ordering of that power in sundry circumstances concerning the outward

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exercise thereof *in foro externo*, the Godly *KINGS* of *England* have thought to belong unto them as in the right of their Crown; and have accordingly made Laws concerning the same, even as they have done also concerning other matters appertaining to Religion and the worship of God. But the substance of that power, and the function thereof, as they saw it to be altogether improper to their office and calling: so they never pretended or laid claim thereunto. But on the contrary, when by occasion of the title of Supream Head, &c. assumed by King *Henry* the Eighth, they were charged by the Papists for challenging to themselves such power and authority spiritual; they constantly and openly disavowed it to the whole World, renouncing all

claim to any such power or authority: As is manifest; not onely from the allowed writings of many godly Bishops, eminent for their learning in their several respective times, in vindication of the Church of *England* from that calumny of the Papists; as Archbishop *Whitgift*, Bishop *Bilson*, Bishop *Andrews*, Bishop *Carleton*, and others: but also by the Injunctions of Queen *Elizabeth*, and the admonition prefixed thereunto; by the 37*th.* Art. of the Church of *England* required to be subscribed by all that take *Orders* in the Church or Degrees in the Universities; and by constant declared judgment and practice of the two late Kings of blessed memory, King *James*, and King *Charles* the I. They who thus expressly *disclaim'd* the medling with Spiritual Censures, and the power

of

of the Keyes, cannot be rationally ſuppoſed to have thought their own preſence (either perſonal or virtual) any way requiſite in the Courts where ſuch *Cenſures* were to be pronounced, and that power to be adminiſtred and exerciſed: and therefore doubtleſs could not deem it fit or proper, that in the juridical proceedings of ſuch *Courts* their names ſhould be uſed.

XII.

The ſecond point in the charge objected is, that this cuſtome uſed by the Biſhops in acting all things in the Eccleſiaſtical Courts in their own names grew at firſt from the exorbitant power of the Popes, who laboured what they could to advance their own greatneſs by *exempting* the *Clergy* from all ſubjection to Temporal

Temporal Princes, and setting up an Ecclesiastical power of Jurisdiction independant upon the Secular: and that the Parliament had that sence of it in the Raign of King *Edward* the Sixth, as the words of the Statute made, *1. Edward VI.* for the altering of the said Custome, do plainly intimate.

XIII.

In which part of the Charge there is at the most but thus much of Truth. 1. That the Bishops of *Rome* did not omit with all sedulity to pursue the grand design of that *See*, which was to bring all Christian Princes into subjection to it self. 2. That all the labouring for the Exemption of the Clergy from the Secular Powers, was in order to that design. 3. That the Bishops manner of using their own

names

names in all acts of their Juriſdiction, (looked upon alone and by it ſelf, without any conſideration of the true reaſons thereof) doth carry, by ſo much the more, ſhew of ſerving the Papal Intereſt, than if they ſhould do all in the KING's Name, by how much the acknowledging the Kings Supremacy Eccleſiaſtical is leſs apparent therein, then in the other. 4. That the want of ſuch an expreſs acknowledgment of the King's Supremacy, together with the jealouſies the State had in thoſe times over any thing that might ſeem to further or favour the uſurped power of the Pope in the leaſt degree, might very probably in this particular (as well as it did in ſome other things) occaſion ſuch Men as bear the greateſt ſway in managing the publick affairs

fairs in the beginning of that godly (but young) King's Raign, out of a juſt deteſtation of the Papacy to endeavour over-haſtily the aboliſhing of whatſoever was with any colour ſuggeſted unto them to ſavour of Popery, without ſuch due examination of the grounds of thoſe Suggeſtions as was requiſite in a matter of ſo great importance.

XIV.

This is all we can (perhaps more than we need) yield unto in this point of the Charge. But then there are ſome other things which we cannot eaſily aſſent unto: as *viz.*

1. That *this cuſtome had undoubtedly its original and growth from the Popes uſurped power.* Which as we think it impoſſible for them to prove; ſo it ſeemeth to us the leſs pro-

probable, becauſe by comparing of this courſe uſed in the Eccleſiaſtical Courts with the practiſe of ſundry other Courts, ſome of like, ſome of different nature thereunto, we have already ſhewed the true reaſons and grounds of the difference between ſome Courts and other-ſome in this particular.

2. That it is *a Rag or Relique of Antichriſtian Tyranny.* Which we believe to be altogether untrue. Not only for the Reaſons before ſpecified, and for that the ſame is done in ſundry other Courts, holden within this Realm without any note of Antichriſtianiſme or Popery faſtened thereupon: but alſo becauſe it hath been conſtantly continued in this Kingdome (the ſhort Raign of King *Edward* the VI. only excepted) with the allowance

lowance of all the Proteſtant *Kings* and Queens of this Realm ever ſince the Reformation. Who, although they be ever and anon taxed by the Puritan Faction (unjuſtly and inſolently enough) for want of a Through-Reformation, and leaving ſo much Popiſh traſh unpurged in the point of Worſhip and Ceremonies: yet have not uſually been blamed by that party for being wanting to themſelves in vindicating to the uttermoſt their Regal authority and Supremacy Eccleſiaſtical, from the uſurped power of the Biſhops of *Rome*, in any thing wherein they conceived it to be in any wiſe or degree concerned. As alſo becauſe this manner of proceeding in the Courts Eccleſiaſtical hath been conſtantly and without ſcruple of Conſcience or ſuſpition of

of Popery uſed and practiſed by all our godly and Orthodox Biſhops; even thoſe, who have been the moſt zealous maintainers of our Religion againſt the Papiſts, and ſuch as have particularly written againſt the Antichriſtian tyranny of the Pope, or in defence of the Kings Supremacy in matters Eccleſiaſtical; as *Jewel*, *Bilſon*, *Abbots*, *Buckridge*, *Carleton*, and many others.

XV.

But againſt all this that hath been ſaid, how agreeable ſoever it may ſeem to truth and reaſon, may be oppoſed the judgement of the whole Realm in Parliament (the Biſhops themſelves alſo then ſitting and voting as well as other the Lords and Commons) in the firſt year of the Raign of King *Edward* the Sixth, who thought fit by their

Act

Act to alter the aforeſaid forme, and that upon the two aforeſaid grounds, *viz.* that it was contrary to the form and order of the Common Law-Courts, and according to the form and manner uſed in the time of the uſurped power of the Biſhop of *Rome*. Which being the laſt and weightieſt point in the Charge, is the more conſiderable, in that beſides its own ſtrength, it giveth alſo farther ſtrength and confirmation to the other two.

XVI.

But for Anſwer unto this Argument drawn from the judgment of the Parliament, as it is declared in the Statute of 1. *Edw.* 6. I would demand of the Objectors, where they place the chief ſtrength of the *Argument*; whether in the authority of the Perſons (*viz.* the great Aſ-

ſembly

ſembly of State convened in Parliament) ſo judging; or in validity of thoſe reaſons, which led them ſo to judge. If in this latter, their judgment can weigh no more, than the reaſons do whereon it is built; the frailty whereof we have already examined and diſcovered. If in the Authority of the Judges, we lay in the ballance againſt it the judgment of the Kingdome in all the Parliaments after the deceaſe of King *Edward* for above fourſcore Years together: the firſt whereof repeated that Statute; and none of thoſe that followed (for ought appeareth to us) ever went about to revive it.

XVII.

If it ſhall be ſaid firſt, That the enacting of that Statute by King *Edward*, was done in order to the

farther aboliſhing of Popery, and the perfecting of the Reformation begun by his Father: I anſwer, that as it was a very pious care, and of ſingular example in ſo young a Prince, to intend and endeavour the Reformation of Religion and the Church within his Realms (for which even at this day we have cauſe to acknowledg the good providence of Almighty God in raiſing him up to become ſo bleſſed an inſtrument of his glory and our good:) ſo on the other ſide we cannot doubt but that the buſineſs of Reformation under him was carried on with ſuch mixture of private ends, and other humane frailties and affections, as are uſually incident into the enterpriſing of great affairs, eſpecially ſuch as cannot be effected without the aſſiſtance

ance of many Inſtruments. All of which in likelyhood being not of one judgment and temper, but having their ſeveral inclinations, paſſions and intereſts with great difference; the product of their endeavours (whatſoever ſincerity there were in the intentions of the firſt mover) muſt needs be ſuch, as the conſtitution of the moſt prevalent inſtruments employed in the work would permit it to be. The very Name of Reformation of Religion and Manners, and of abuſes crept into the Church or *Common-wealth*, carrieth with it a great deal of outward glory and luſtre, filling the hearts of Men with expectations of much happineſs to enſue, and in that hope is evermore entertained with general applauſe, eſpecially of the vulgar ſort: becauſe Men look

upon it as it were in the *Idea*, (that is to ſay, as it is fancied and deviſed in the mind and imagination) and abſtractedly from thoſe *impediments* and inconveniences, which when they come *ad practicandum*, and to put their thoughts in execution, they ſhall be ſure to meet withall more or leſs, to render the performance ſhort of the promiſe and expectation.

XVIII.

Now becauſe Reformation is ſo much talked of in theſe evil Dayes of ours, wherein thouſands of well-meaning People have been ſeduced into dangerous by-pathes by that ſpecious Name: it will not be amiſs, (though we may ſeem perhaps to digreſs a little for it) to prompt the Reader to ſome conſidera-

ſiderations, that may incline him rather to ſuſpect a thing to be ill done, than to be confident that it is well done, if he have no other reaſon of that confidence but this, that it is pretended to be done by way of Reformation.

XIX.

It is conſiderable *firſt*, that Reformation is the uſual vizard, wherewith Men of inſatiable avarice or ambition diſguiſe their baſe unworthy intentions, that the uglineſs thereof may not appear to vulgar eyes. Seldome hath any Sacrilegious or Seditious attempt appeared abroad in the World, and been countenanced either by the Great ones or the Many; which hath not been uſhered in by this piece of Hypocriſie. Not to look further (backward or forward) for inſtances in

both kindes, then to the Raign of that King wherein the Statute so much insisted upon was made; It cannot be denied, but that during the Raign of that Religious and godly young King (without his knowledge as we verily hope and believe, or at most through the malitious suggestions and cunning insinuations of some that were about him) such Sacriledges were acted, and that under the name and pretence of Reformation, as have cast a very foul blemish upon our very Religion, especially in the eyes of our Adversaries, who have ever shewed themselves forward enough to impute the faults of the Persons to the Profession. And under the same pretence of Reformation were also masked all the blood-shed, mischiefs, and outrages committed by *Kett*,

Kett, and his ſeditious rabble in the ſame Kings Raign: inſomuch as a great Oak whereat they appointed their uſual meetings, and whereon (by the juſt judgment of God) himſelf the ringleader of that rebellion was afterwards hanged, was by them called the Oak of Reformation. By what was done in thoſe times, (ill enough indeed, yet modeſtly in compariſon of what hath been done in ours) we may have a near gueſs what their meaning is, that are ſo eagerly ſet upon a Thorow Reformation (as they call it) in the Church, in the *Commonwealth*, in the Univerſities: even to get into their own hands and diſpoſal all the Places and Offices of power or profit in them all. I dare not ſay, (for truly of ſome I believe the contrary, and hope the ſame of ma-

ny more) that all thoſe that joyn in vote or act with thoſe plauſible pretenders of Reformation, or wiſh well unto them in the ſimplicity of their hearts, are guilty of their abominable hypocriſie. But ſure all experience ſheweth, that in great Councels there are evermore ſome one or a few δημαγωγοὶ, active and cunning Men that are able by the reputation of their wiſdome and abilities of ſpeech to carry all buſineſſes in the vogue even as themſelves have before-hand cloſely contrived them: leading on the reſt, as a bell-weather doth the whole flock, or as a crafty fore-man of a Jury doth the whole dozen, which-way ſoever they pleaſe; who follow tamely after (*qua itur, non qua eundum*) in an implicit belief, that that muſt needs be the right way,

which

which they ſee ſuch skilful guides to have taken before them.

XX.

But ſay there were no ſuch reſerved ſecret ſiniſter ends either in the chief Agents or their Miniſters, but that a juſt Reformation were as really and ſincerely intended by them all, as it is by ſome of them ſpeciouſly pretended: yet is it conſiderable *Secondly*, how very difficult a thing it is, in the buſineſs of Reformation to ſtay at the right point, and not to overdo, by reaſon of that ἀμετρία τῆς ἀνθρωπίνης, whereby we are very apt in declining one of the *extreams* to fall into the other, either in point of opinion or practice. In deteſtation of the hereſie of *Neſtorius*, who diſtinguiſhed the perſons in Chriſt, becauſe he knew there were two natures; *Eutyches* went ſo far as to

to confound the natures, becauſe he knew there was but one perſon. And becauſe the Papiſts by the multitude and pompouſneſs of their Ceremonies had taken away much of the inward vigour of Gods publick worſhip, by drawing it too much outward; the Puritanes in oppoſition to them, and to reform that errour, by ſtripping it of all Ceremonies have left it ſo bare, that (beſides the unſeemlineſs) it is well nigh ſtarved for want of convenient clothing. It is in the diſtempers of the body politick in this reſpect not much otherwiſe then it is in thoſe of the body natural. In an Ague, when the cold fit hath had his courſe, the body doth not thence return to a kindly natural warmth, but falleth ſpeedily into a burning preternatural heat, nothing

nothing leſs (if not rather more) afflictive then the former. And how often have Phyſicians, (not the unlearned Empericks onely, but even thoſe beſt renowned for their skill and judgment,) by tampering with a crazy body to maſter the predominancy of ſome noxious humour therein, caſt their Patients ere they were aware under the tyranny of another and contrary humour as perilous as the former: or for fear of leaving too much bad blood in the Veins, have letten out too much of the vital ſpirits withall? Onely the difference is, that in bodily diſeaſes this courſe may be ſometimes profitably experimented, and with good ſucceſs; not onely out of neceſſity, when there is no other way of cure left, (as they uſe to ſay, *Deſperate Diſeaſes muſt have deſperate Remedies:*)

dies:) but alſo out of choice, and in a rational way; as *Hippocrates* adviſeth in the caſe of ſome cold Diſeaſes to caſt the Patient into a burning Feaver, which he calleth πῦρ ποιῆσαι. And I remember to have read ſomewhere to that purpoſe ſuch an Aphoriſme as this, *Utile eſt innaſci febrem in ſpaſmo.* But for the remedying of Moral or Politick diſtempers, it is neither warrantable nor ſafe to try ſuch experiments: Not warrantable; becauſe we have no ſuch rule given us in the Word of God whereby to operate: nor ſafe; becauſe herein the Mean only is commendable, all Extreams (whether in defect or exceſs) vitious. Now what defects or exceſſes there might be in the Reformation of Religion and the Church within theſe Realms during the Raigns of King *Henry* the

the *VIII.* King *Edward* the *VI.* and Queen *Elizabeth*; it doth not become me, neither is it needful, to examine. But ſure it is, they that had the managery of thoſe affairs in their ſeveral reſpective Times were ὁμοιοπαθῆς ἡμῖν, made of the ſame Clay with other Men, ſubject to infirmities and paſſions, and to be byaſſed with partial affections, and thoſe affections capable to be enflamed with zeal, cooled with delayes, enraged by oppoſition, and allayed by ſeaſonable applications. And therefore although we cannot ſay for certain with what affections thoſe Reformers in the beginning of King *Edward*'s Raign were ſteered in the whole buſineſs: yet it is very poſſible, and in this particular of the Statutes, (from the weakneſs of the *reaſons* therein expreſſed) not

not improbable, that the jealousies they had of the Papal power so lately ejected might make them more abundantly cautelous and solicitous to secure themselves there against, then need required. Verily the temper of those Times and Men, and the Reformation made about those times in other Contreys considered; we have far greater cause to bless God that in their then-Reformation in very many things they did not a great deal worse, then to blame them that in some few things they did not a little better, then they have done.

XXI.

It is further considerable *Thirdly*; that where a Reformation is truly intended, and the thing it self intended by that Reformation to be established is also within a tole-

tolerable compaſs of Mediocrity; there may yet be ſuch errour in the choice of the means to be uſed for the accompliſhing of thoſe intentions, as may vitiate the whole work, and render it blame-worthy. For although it be a truth ſo expreſly affirmed by the Apoſtle, and ſo agreeable to the dictates of right reaſon [*That we may not do any evil thing for any good end*] as that I ſhould ſcarce have believed it poſſible that any man that pretended to be Chriſtian or but reaſonable ſhould hold the contrary, had I not been advertiſed by very credible perſons that ſome men of eminent place and power did ſo, by diſtinguiſhing (but beſide the book, and where the Law diſtinguiſheth not) between a publick and a private good end: yet the eagerneſs of moſt men

men in the purſuance of ſuch ends as they are fully bent upon, and their pride of ſpirit diſdaining to be croſſed in their purpoſes, and impatient of meeting with any oppoſition; putteth them many times upon the uſe of ſuch means as ſeem for the preſent beſt conducing to the ends they have propoſed to themſelves, without any ſufficient care to examine whether ſuch *means* be lawful or not. For either they run on headlong and are reſolved not to ſtick at any niceties of conſcience, but being ingaged in a deſign to go through with it *per fas & nefas*; meaſuring honeſty by utility: or elſe they gather up any thin fig-leaves where they can meet with them to hide the deformity of their actions if it were poſſible even from their own eyes; and are willing

willing their affections ſhould bribe and cheat their judgments with any weak reaſons to pronounce that *lawful* to be done which they have a mind to do, the ſecret checks and murmurings of their Conſciences to the contrary notwithſtanding. Hence it is, that whereas Men ought to conform all their wills and actions to the exact Rule of God's Word, they do ſo often in ſtead thereof crooken the Rule to make it comply with their actions and deſires: raiſing ſuch Doctrines and Concluſions from the ſacred Texts of Scripture by forced inferences, as will beſt ſerve to give countenance to whatſoever they fancy to be, or pleaſe to call Reformation; and to whatſoever means they ſhould uſe for the effecting of ſuch Reformation, though it were by popular

Tumults, civil War, deſpiſing Governours, breaking Oaths, open Rebellion, or any other act how unjuſt ſoever and full of diſloyalty. Which made Learned *Zanchy*, obſerving in his time how *Anabaptiſts* and all ſorts of Sectaries, that attempted to bring in any new and unheard of alteration in Religion into the Churches of Chriſt, by any means though never ſo ſeditious and unlawful, did yet juſtifie all their enterpriſes by this, that they were done in order to a more perfect Reformation, to cry out, *Ego non intelligo iſtam Reformatorium mundi Theologiam.* Whether this obſervation be ſo fitly appliable to thoſe times of King *Edward*'s Reformation; as the two former conſiderations were, I know not: I am ſure it fitteth but too well to theſe evil times

of

of ours, wherein the pretence of a Thorow-Reformation serveth as a foil to set off the blackest crimes that ever the Christian world was guilty of.

XXII.

Lastly, Say there should be nothing amiss in any of the premisses, but that the intentions were sincere, the proceedings moderate, and the means lawful: yet since no wit of Man is at the present able to foresee all the inconveniences that may ensue upon any great and suddain change of such Laws and Customes as have been long and generally observed, till time and experience discover them; it may very well (and not seldome doth) come to pass, that the Reformation intended for the remedying of some one abuse, or the preventing of some present

apparant inconvenience, may open a gap to let in ſome other abuſes or inconveniences, which (though yet undiſcerned) may in time prove to be more and greater, then thoſe that were ſought to be remedyed. Phyſicians tell us that all ſudden changes in the body are dangerous: and it is no otherwiſe in the *Church* and State. Which is the ground of that Maxime, well approved of all wiſe Men, if rightly underſtood, *Malum bene poſitum non movendum*: and of that other, ſo famous in the Ancient Councels, ἀρχαῖα ἤθη κρατείτω, Let the old Cuſtomes be obſerved. And therefore *Ariſtotle* gravely cenſureth that Law made by *Hippodamus* the Mileſian Law-giver, That whoſoever ſhould deviſe any new Law for the common good ſhould be rewarded by the State, as a Law indeed

indeed fooliſh and pernicious, how ſpecious & plauſible ſoever it ſeemed at the firſt appearance: becauſe (ſaith he) it would but encourage buſie and active ſpirits to be always innovating ſome thing or other in the State, which might finally tend to the ſubverſion of all ancient Lawes and Cuſtomes, and conſequently of the whole Government it ſelf. Now that the Reformation in King *Edward*'s Days, as to this particular in that Statute concerned, was ſubject at leaſt to this frailty, we may very probably gather (*a poſteriori*) from this; that after it was once repealed, they that had to do in the Reformation ever ſince, thought it fit rather to let it lye under that repeal, then to revive it.

XXIII.

There can be no doubt, but that

to an objection made from the force of a Statute, it is a sufficient answer (if it be true) to say that the said Statute hath been repealed and so continueth. Yet the adversaries of *Episcopacy* are so pertinaciously bent to hold their Conclusion in despite of all Premisses, that they seem to be nothing satisfied therewithall, but dividing the answer, turn the former part of it (*viz.* that of the *Repeal*) to their own advantage. For say they, that *Repeal* being made by Queen *Mary*, who was a professed Papist, and a Persecuter of the Protestant Religion, was certainly an Act of hers done in favour of Popery; and so is a strong confirmation, that the form of proceeding formerly used by the Bishops in the Ecclesiastical Courts, prohibited by the Statute of King *Edward*, but restored

red by that her *Repeal*, was a Popiſh practice, and more befitting Papiſts then Proteſtants to uſe.

XXIV.

To return a full anſwer hereunto; *Firſt* it ſhall be willingly granted, that Queen *Mary*, being a zealous Papiſt, did cauſe that Statute made in the firſt of her Brothers Raign to be repealed out of pure zeal to the *Romiſh* Religion, and in favour of the *Pope* and of his Juriſdiction. Both becauſe ſhe conceived (which was true) that her late Brother being a Proteſtant had by that Statute prohibited the Biſhops to do ſundry things in their own names, of purpoſe thereby to leſſen the Pope's Authority within his Realms: as alſo becauſe their uſing of the King's Name in their Proceſſes and Acts carried with it (as

we formerly granted) a more expreſs and evident acknowledgment of the King's Supremacy Eccleſiaſtical, then the contrary cuſtome doth.

XXV.

But then *Secondly*, this being granted, it will by no means follow either *firſt*, that the repeal of that Statute is not to be valued by any Proteſtant; or that *ſecondly* the cuſtome of the Biſhops prohibited by the Statute and reſtored by the Act of Repeal, was Popiſh; or *thirdly*, that our former anſwer was unſufficient: not the *firſt*, becauſe we are not to look upon the Statute and upon the Act of Repeal, as they were made, the one by a Proteſtant the other by a Papiſt (for that were to judge κατ' ἀνθρωπον, and with reſpect of Perſons;) but to conſider whe-

whether the reaſons whereupon the Statute was grounded were *in veritate rei* ſuch, as that it ought not to have been repealed either by Papiſt or Proteſtant. Which reaſons how they have been valued, appeareth upon the poſt-fact in this; that a Papiſt Princeſs by the Principles of her Religion could do no leſs then repeal that Statute, and a Proteſtant Princeſs without prejudice to the Principles of her Religion might continue that Repeal.

XXVI.

Not the *ſecond*: becauſe that very Statute of 1. *Edward* the VI. by which it is ordained that all Summons, Citations and other Proceſſes Eccleſiaſtical be made in the Name, and with the ſtyle of the King, doth it ſelf ſufficiently abſolve the contrary cuſtome formerly

ly used by the Bishops acting in their own names, from being either Popish or otherwise derogatory to the King's Supremacy. Inasmuch as by *Proviso*'s in the said Statute the Bishops are still permitted in some cases to use their own names without any mention at all to be made of the King: as namely the Archbishop of *Canterbury* to grant Faculties and Dispensations; and every other Bishop to make Collations, Presentations, Institutions and Inductions of Benefices, Letters of Orders and Dimissories, *&c.* under their own names and seals, as by the words of the said Statute doth plainly appear. Which sure would not have been permitted in any case, had the thing it self been by them conceived to have been simply and *de toto genere* either Popish or pre-

prejudicial to the Regal Power.

XXVII.

Not the *Third*: becauſe they diſjoynt our former anſwer, that they might make their advantage of the one piece of it ſevered from the other. For the ſtrength of the anſwer (it being copulative) was not to lye in either part alone, but in both together taken joyntly; and indeed more principally in the later part which they ſlightly put off, then in the former whereat they take advantage. We do not ſay that the objecting of that Statute is of little moment againſt us, becauſe it was repealed by Queen *Mary* (though that Repeal alone is ſufficient to make it void and invalid as to all effects in Law:) but becauſe being then repealed it was never after revived in the Raigns either of Queen *Elizabeth*

Elizabeth, King *James*, or his Majeſty that now is: which ſheweth that the Act of Repeal (as to the point now in diſpute) was by them approved of, and intended to continue in force. And it will thence follow further and moſt clearly, that in the judgment of all theſe wiſe and religious Princes, there was a great difference between the Papal and the Epiſcopal Juriſdiction, as they had been either of them exerciſed within theſe Realms: and that the Papal was prejudicial to the Regal Power and Supremacy, but the Epiſcopal was not.

XXVIII.

Neither doth that ſuffice which is put in by way of Reply hereunto, to alledge that the continuance of the old cuſtome (after the Repeal made) happened either through inad-

inadvertency of the State, or by reaſon of the great power ſome or other of the Biſhops ever had with thoſe Princes. For it cannot be doubted but that the State, having before them a Precedent of ſo late and freſh memory as the Statute of 1. *Edw.* 6. would at ſome time or other within the ſpace of fourſcore years (eſpecially there being no want in thoſe days of enough greedy Great-ones and factious Diſciplinarians to remind them of it) have taken a time to frame and paſs a Bill for the reviving of that Statute: if they had deemed the cuſtome, therein forbidden, Popiſh or derogatory either to the Kings honour or power, or had not rather found ſufficient reaſon to perſwade them that the ſaid Statute was inconvenient, or at leaſtwiſe uſeleſs.

And

And as for the Biſhops, they that underſtand the condition of thoſe firſt times well know that (under God and his good providence) they ſtood in a manner by the immediate and ſole favour of Queen *Elizabeth*. The Papiſts on the one ſide hated them above all other ſorts of Men, becauſe of their Religion, and their abilities above all other Men to defend it. On the other ſide the Puritanes who envied their power, and ſome great ones about the Court, who having taſted the ſweet of Sacriledge in the times of the two laſt Kings, thirſted after the remainder of their Revenues, complyed either with other, for their ſeveral reſpective ends, againſt the Biſhops. Which being ſo, it had been the fooliſheſt thing in the world for the Biſhops, to have uſed that power

wer or intereſt they had with the Queen (upon whoſe favour or diſpleaſure their whole livelyhood depended) for the procuring of her conſent to any Act to be done in favour of them, that malice it ſelf could with any colourable conſtruction interpret either to ſavour of Popery, or to trench upon the Royal Supremacy: That Queen having both by her ſufferings before, and actions after ſhe came to the Crown, ſufficiently witneſſed to the world her averſneſs from Popery: and being withall a Princeſs of a great Spirit, and particularly jealous in the point of Prerogative.

XXIX.

Whence I think we may (with good reaſon) conclude, that *the ancient cuſtome of the Biſhops* in making *Summons*, *&c.* in their own names,

names, after it was by the Act of Repeal, 1. *Mar.* restored, was continued by Queen *Elizabeth* and her Successors ever since without interruption, or reviving of the Statute of King *Edward*: neither out of any inadvertency in the State, nor through any importune or indirect labouring of the Bishops, as by the Objectors is weakly presumed; but advisedly and upon important considerations, *viz.* that the devising of such a new way, as is set forth and appointed in the said Statute, was not onely a needless thing, (and Laws should not be either made, or altered, but where it is needful so to do,) but subject also to manifest both inconvenience and scandal.

XXX.

That it was altogether needless to

to change the old Cuſtome may appear by this, that all the imaginable neceſſity or utility of ſuch a change could be onely this: To ſecure the King by uſing his Name in their Proceſſes, &c. (as a real acknowledgment that their Juriſdiction is derived from him and no other) that the Biſhops had no intention in the exerciſe of their Epiſcopal power to uſurp upon his Eccleſiaſtical Supremacy. Which Supremacy of the King, and Superiority of his Juriſdiction and Authority over that which the Biſhops exerciſed, being already by ſo many other wayes and means ſufficiently ſecured, it could argue nothing but an impertinent jealouſie, to endeavour to ſtrengthen that ſecurity by an addition of ſo poor and inconſiderable regard.

XXXI.

The Kings of *England* are secured against all danger that may accrue to their Regal power from Episcopal Jurisdiction as it hath been anciently and of later times exercised in this Realm: *First* by the extent of their Power over the persons, and livelihoods of the Bishops, and over the whole State Ecclesiastical, as in the ancient right of the Crown, which how great it was, may appear by these Three Particulars.

XXXII.

First, The Collation and Donation of Bishopricks, together with the nomination of the Persons to be made Bishops, in case they did by their *Writ of Conge d'eslier* permit the formality of Election to others, did always

See Stat. 25. H. 8. 20. 1. Edw. 6. 2.

always belong to the Kings of this Realm, both before and ſince the Conqueſt, as in right of their *Crown*. Our learned Lawyers aſſure us, that all the Biſhopricks of this Realm are of the King's foundation: that they were originally donative, and not elective: and that the full right of Inveſtiture was in the King, who ſignified his pleaſure therein, *per traditionem baculi & annuli*, by the delivery of a Ring and a Croſier-ſtaff to the Perſon by him elected and nominated for that Office. The Popes indeed often aſſayed to make them elective, either by the Dean and Canons of the Cathedral, or by the Monkes of ſome principal Abbey adjoyning: but the Kings ſtill withſtood it, and maintained their right as far as they could or durſt.

Cok. 1. Inſtit. 2. Sect. 648.

durst. Insomuch as King *Henry* the *First* being earnestly sollicited by the Pope to grant the election of Bishops to the Clergy, *constanter allegavit* (saith the story) and *verbis minacibus*, he stoutly, & with threats refused so to do, saying he would not for the loss of his Kingdome lose the right of those Investitures. It is true that King *John*, a Prince neither fortunate nor couragious being overpowred by the Popes, did by Charter in the Seventeenth Year of his Raign grant that the Bishopricks of *England* should be eligible. But this notwithstanding in the Raign of King *Edward* the *Third*, it was in open Parliament declared and enacted, that to the King and his Heirs did belong the collation of Archbishopricks, *&c.* and all other dignities that are of his Advowson;

vowſon; and that the elections granted by the Kings his progenitors were under a certain form and condition, *viz.* that they ſhould ask leave of the King to elect, and that after the election made, they ſhould obtain the King's conſent thereunto; and not otherwiſe.

XXXIII.

Secondly, The King hath power, if he ſhall ſee cauſe, to ſuſpend any Biſhop from the execution of his Office for ſo long time as he ſhall think good: yea, and to deprive him utterly of the dignity and office of a Biſhop, if he deſerve it. Which power was *de facto*, exerciſed both by Queen *Mary* and Queen *Elizabeth* in the beginning of their ſeveral Raigns upon ſuch Biſhops as would not conform to their Religion.

XXXIV.

Thirdly, The Kings of *England* have a great power over the Bishops in respect of their Temporalities, which they hold immediately of the King *per Baroniam*; and which every Bishop Elect is to sue out of the Kings hands (wherein they remained after the decease of the former Bishop during the Vacancy,) and thence to take his only restitution into the same, making Oath and fealty to the King for the same upon his Consecration. Yea, and after such Restitution of Temporalties and Consecration, the King hath power to seize the same again into his own hands, if he see just cause so to do. Which the Kings of *England* in former times did so frequently practice upon any light displeasure conceived against the Bishops;

ſhops; that it was preſented as a grievance by the Arch-biſhop of *Canterbury*, and the other Prelates by way of requeſt to King *Edw. III.* in Parliament, and thereupon a Statute was made the ſame Parliament, that thenceforth no Biſhops Temporalties ſhould be ſeized by the King without good cauſe. I finde cited by Sir *Edward Coke* out of the Parliament Rolls 18. *H.* 3. a Record, wherein the King ſtraightly chargeth the Biſhops not to intermeddle in any thing to the prejudice of his Crown; threatning them with ſeizure of their Temporalties if they ſhould ſo do. The words are, *Mandatum eſt omnibus Epiſcopis quæ conventuri ſunt apud Glouceſtr'* (the *King* having before ſummoned them by Writ to a Parliament to be hol-

Stat. for the clergy 14. E. 3. cap. 3.

den at *Glouceſter*) *firmiter inhibendo, quod ſicut Baronias ſuas quas de Rege tenent diligunt, nullo modo præſumant concilium tenere de aliquibus quæ ad Coronam pertinent, vel quæ perſonam Regis vel Statum ſuum, vel Statum concilii ſui contingunt; ſcituri pro certo quod ſi fecerint, Rex inde capiet ſe ad Baronias ſuas*, &c. By which Record, together with other the premiſſes, it may appear, that the *Kings* by their Ancient right of Prerogative had ſundry ways power over the Biſhops whereby to keep them in obedience, and to ſecure their Supremacy from all peril of being prejudiced by the exerciſe of Epiſcopal Juriſdiction.

XXXV.

Yet in order to the utter aboliſhing of the Papal Uſurpations and of

of all pretended forraign power whatſoever in matters Eccleſiaſtical within theſe Realms, divers Statutes have been made in the Raign of *King Henry* the *VIII.* and ſince for the further declaring and confirming of the *King*'s Supremacy Eccleſiaſtical. Wherein the acknowledgment of that Supremacy is either ſo expreſly contained, or ſo abundantly provided for; as that there can be no fear it ſhould ſuffer for lack of further acknowledgement to be made by the Biſhops in the ſtile of their Courts. Amongſt other, *Firſt*, by Statute made 25. *H.* 8. 19. upon the ſubmiſſion and petition of the Clergy, it was enacted, that no Canons or Conſtitutions ſhould be made by the Clergy in their Convocation without the King's licence firſt had in that behalf, and his royal

al aſſent after: and likewiſe that no Canon, *&c.* ſhould be put in execution within the Realm, that ſhould be contrariant or repugnant to the *King*'s Prerogative Royal, or the Cuſtomes, Laws, or Statutes of the Realm. Then *Secondly*, by the Statute of 1. *Eliz. cap.* 1. all ſuch Eccleſiaſtical Juriſdictions, Priviledges, Superiorities and Pre-eminences, as had been exerciſed or uſed, or might be lawfully exerciſed or uſed by any Eccleſiaſtical power or authority was (declared to be) for ever united and annexed to the Imperial Crown of this Realm. And *Thirdly*, it was alſo in the ſame Statute provided, that the Oath of Supremacy (wherein there is contained as full an acknowledgment of the *King*'s Eccleſiaſtical Supremacy as the wit of man can deviſe) ſhould be

be taken by every Arch-biſhop and Biſhop, *&c.* which hath been ever ſince duely and accordingly performed.

XXXVI.

Laſtly, From receiving any prejudice by the Biſhops and their Juriſdiction, the Regal power is yet farther ſecured, by the ſubordination of the Eccleſiaſtical Lawes and Courts to the Common Law of *England*, and to the *King*'s own immediate Courts. For although the Eccleſiaſtical Laws be allowed by the Laws of this Realm, and the proceedings in the Eccleſiaſtical Courts be by the way of the Civil, and not of the Common Law: yet are thoſe Laws and proceedings allowed with this limitation and condition, that nothing be done againſt the Common Law (whereof the

King's

King's Prerogative is a principal part) nor againſt the Statutes and Cuſtomes of the Realm. And therefore the Law alloweth Appeales to be made from the Eccleſiaſtical Courts to the *King* in *Chancery*: and in ſundry caſes, where a cauſe dependeth before a Spiritual Judge, the *King*'s prohibition lyeth to remove it into one of his Temporal Courts.

XXXVII.

Having ſo many ſeveral ties upon the Biſhops to ſecure themſelves and their Regal authority from all danger that might ariſe from the abuſe of the Eccleſiaſtical Power and Juriſdiction exerciſed by the Biſhops in their Courts (by the ancient prerogative of their Crown, by the proviſions of ſo many Statutes and Oaths, by the remedy of the Common

Common Law:) the *Kings* of *England* had no cauſe to be ſo needleſly cautelous as to be afraid of a meer formality, the Style of a *Court*. Eſpecially conſidering the importance of the two Reaſons expreſſed in the Statute of King *Edward*, as the onely grounds of altering that Style, not to be ſuch as would countervail the Inconvenience and Scandal that might enſue thereupon.

XXXVIII.

For whereas it was then thought convenient, to change the Style uſed in the Eccleſiaſtical Courts, becauſe it was contrary to the form uſed in the Common-Law-Courts within this Realm, (which is one of the Reaſons in the ſaid Statute expreſſed:) it might very well upon further conſideration be afterwards thought

thought more convenient for the like reaſon to retain the accuſtomed Style, becauſe otherwiſe the forme of the Eccleſiaſtical Courts would be contrary to the form of other Civil-Law-Courts within the Realm (as the Admiralty, and Earl-Marſhals Court) and of other Courts of the Kings grant made unto Corporations; with either of which, the Eccleſiaſtical Courts had a nearer affinity, then with the *Kings* Courts of Record, or other his own immediate Courts of Common Law. Nor doth there yet appear any valuable reaſon of difference, why Inconformity to the Common Law-Courts ſhould be thought a ſufficient ground for the altering of the forms uſed in the Eccleſiaſtical Courts; and yet the like forms uſed in the Admiralty, in the

the Earl-Marſhals Court, in Courts Baron, in Corporation Courts, &c. ſhould (notwithſtanding the ſame inconformity) continue as they had been formerly accuſtomed without alteration.

XXXIX.

If any ſhall alledge as ſome reaſon of ſuch difference, the other Reaſon given in the ſaid Statute; *viz.* that the form and manner uſed by the Biſhops was ſuch as was uſed in the time of the uſurped power of the Biſhop of *Rome*: beſides that therein is no difference at all, (for the like forms in thoſe other *aforeſaid Courts* were alſo in uſe in the ſame time;) there is further given thereby great occaſion of *Scandal* to thoſe of *the Church of Rome*. And that *two* ways: *Firſt*, as it is made *a Reaſon* at all; *Secondly*, as it

it is applyed to the particular now in hand. *First*, whereas the Papists unjustly charge the Protestant Churches with Schism for departing from their Communion: it could not but be a great Scandal to them, to confirm them in that their uncharitable opinion of us, if we should utterly condemn any thing as unlawful, or but even forbid the use of it as inexpedient, upon this onely ground or consideration, that the same had been used in the times of Popery, or that it had been abused by the Papists. And truly the Puritanes have by this very means given a wonderful Scandal and advantage to our Adversaries, which they ought to acknowledge and repent of: when transported with an indiscreet zeal they have cryed down sundry harmless Cere-

Ceremonies and Cuſtomes as ſuperſtitious and Antichriſtian, only for this that Papiſts uſe them. Whereas godly and regular Proteſtants think it agreeable to Chriſtian liberty, charity and prudence, that in appointing Ceremonies, retaining ancient Cuſtomes, and the uſe of all other indifferent things ſuch courſe be held, as that their moderation might be known to all men; and that it might appear to their very Adverſaries, that wherein they did receed from them or any thing practiſed by them, they were not thereunto carried by a Spirit of contradiction, but either caſt upon it by ſome neceſſity of the times, or induced for juſt reaſons of expediency ſo to do.

XL.

But then *Secondly*, as that Rea-

ſon relateth to the preſent buſineſs in particular, the Scandal thereby given is yet greater. For we are to know, that when King *Henry* the VIII. aboliſhed the Papal Power, reſuming in his own hand the ancient Rights of the Crown, which the Biſhops of *Rome* had unjuſtly uſurped: he took upon Himſelf alſo that title which he then found uſed by the Biſhops of *Rome*, but which none of his Progenitors the Kings of this Realm had ever uſed, of being the Supream Head of the Church within his Dominions. This title continued during the Raign of his Son King *Edward* the VI. by whom the Statute aforeſaid was made, and is mentioned in that very Statute. Now albeit by that title or appellation was not intended any other thing, then that Supremacy

premacy Eccleſiaſtical which the Kings of this Land have, and of right ought to have, in the Governance of their Realms over all perſons and in all cauſes Eccleſiaſtical as well as other, and which is in the Oath of Supremacy acknowledged to belong unto them: yet the Papiſts took Scandal at the novelty thereof, and glad of ſuch an occaſion made their advantage of it, to bring a reproach upon our Religion; as if the Proteſtants of *England* were of opinion, that all Spiritual Power did belong unto the King, and that the Biſhops and Miniſters of *England* had their whole power of Preaching, adminiſtring the Sacraments, Ordaining, Excommunicating, *&c.* ſolely and originally from the King, as the Members of the Body live

by the influence which the Head hath into them. Upon their clamours, that title of Supream Head and Governour was taken into farther conſideration in the beginning of Queen *Elizabeth*'s Raign. And although that ſtyle in the true meaning thereof was innocent and defenſible enough: yet for the avoiding of Scandal and Cavil, it was judged more expedient that the word Head ſhould thenceforth be laid aſide, and the ſtyle run onely Supream Governour; as we ſee it is in the Oath of Supremacy and other-where ever ſince, without mentioning the word Head; according to the intimations given in the Queens Injunctions and elſewhere in that behalf. And it ſeemeth to me very probable, that for the ſame Reaſon eſpecially (beſides thoſe

thoſe other Reaſons already given) it was thought fitter by Her then, and by her Succeſſours hitherto; that the Biſhops in all their Eccleſiaſtical Courts and Proceedings ſhould act in their own Names as formerly they had done, then that the Statute of *King Edward* ſhould be revived, for doing it in the *King*'s Name. For the ſending out Proceſſes, *&c.* in order to Excommunication and other Church-cenſures in the *King*'s name, would have ſerved marvellouſly to give colour, (and conſequently ſtrength, in the apprehenſion at leaſt of weaker judgements) to that calumny wherewith the Papiſts uſually aſperſe our Religion, as if the *KINGS* of *England* took themſelves to be proper and competent Judges of Cenſures meerly

ſpiritual in their own Perſons, and the Prelates accordingly did acknowledge them ſo to be.

Thus have I ſhewen to the ſatisfaction (I hope) of the ingenuous and unprejudiced Reader, that Epiſcopacy is no ſuch dangerous Creature either in the Opinion or Practice, as ſome would make the World believe it is: but that the *King*'s Crown may ſtand faſt enough upon his Head, and flouriſh in its full verdure, without plucking away or diſplacing the leaſt flower in it, notwithſtanding Epiſcopacy ſhould be allowed to be of Divine Right in the higheſt ſence, and the Biſhops ſtill permitted to make their Proceſſes in their own Names, and not in the Kings. By this time I doubt not, all

all that are not wilfully blind (for who ſo blind, as he that will not ſee?) do ſee and underſtand by ſad experience, that it had been far better both with *KING* and Kingdom then now it is, or (without God's extraordinary mercy) is like to be in haſte: If the enemies of Epiſcopacy had meant no worſe to the King and his Crown, then the Biſhops and thoſe that favoured them did.

A POST-SCRIPT TO THE READER;

WHereas in my *Answer* to the former of the two *Objections* in the foregoing *Treatise*, I have not any where made any clear discovery what my own particular judgment is concerning the *Jus divinum of* EPISCOPACY in the stricter sense, either in the *Affirmative* or *Negative:* and for want of so doing, may perhaps be censured by some to have walked but *haltingly*, or at leastwise with more *caution* and *mincing*, then became me to do

do in a buſineſs of that nature; I do hereby declare.

1. That, to avoid the ſtarting of more *Queſtions* then needs muſt, I then thought it fitter (and am of the ſame opinion ſtill) to *decline* that Queſtion, then to *determine* it either way: ſuch *determination* being clearly of no moment at all to my purpoſe, and for the ſolving of that *Objection*.

2. That nevertheleſs, (leaving other Men to the *liberty* of their own *judgments*) my opinion is, that EPISCOPAL GOVERNMENT is not to be derived meerly from *Apoſtolical* Practice or Inſtitution: but that it is *originally* founded in the *Perſon* and *Office* of the Meſſias, our bleſſed Lord *JESUS CHRIST*. Who being ſent by his Heavenly Father to be the great *Apoſtle*,

[*HEB.*

[*HEB. III.* 1.] *Biſhop and Paſtor* [1 *PET. II.* 25.] of his Church, and *anointed* to that Office immediately *after his Baptiſme by JOHN with Power and the Holy Ghoſt* [ACT. X. 37-8.] deſcending then upon him *in a bodily ſhape* [LUK. III. 22.] did afterwards before his *Aſcenſion* into Heaven, *ſend* and impower his holy *Apoſtles*, (giving them the *Holy Ghoſt* likewiſe as his Father had given him) in like manner as his *Father* had before *ſent* him [JOH. XX. 21.] to execute the ſame *Apoſtolical*, *Epiſcopal* and *Paſtoral Office* for the ordering and governing of his *Church* until his coming again: and ſo the ſame *Office* to continue in *them* and their *Succeſſours, unto the end of the world.* [MAT. XXVIII. 18--20.] This I take to be ſo clear, from theſe and other

other like *Texts of Scripture*; that if they ſhall be diligently *compared* together, both *between themſelves*, and with the following *practice of all the Churches of Chriſt*, as well in the *Apoſtles* times as in the Pureſt and Primitive *times* neareſt thereunto; there will be left a little cauſe, why any Man ſhould doubt thereof.

3. That in my Anſwer to the *later Objection* I made no uſe at all (nor indeed could do) of the *Opinion* of the Reverend *Judges* in that point, nor of his Majeſties *Proclamation* grounded thereupon. For although the *Proclamation* had been extant *Ten Years* before this task was impoſed upon me; yet I had never *ſeen*, nor ſo much as *heard* of the ſame in all the time *before*, nor yet in all the time *ſince*; till about

bout ten days ago I was advertiſed thereof, when theſe *Papers* were then going to the *Preſs*. Which, ſince they give ſo much ſtrength to the *main Cauſe*, and ſo fully avoid the *Objection*; I have followed the adviſe of ſome Friends, and cauſed them to be *Printed* herewithall.

FINIS.

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FINIS.